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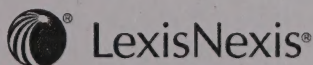
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TITLE 27

TRANSPORTATION

(CHAPTERS 49-117 IN VOLUME 28B)

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SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 1

HIGHWAY AND TRANSPORTATION ACT OF 1977

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27-1-102. Legislative intent.

(a) It is the declared transportation policy of the General Assembly of the State of Arkansas to enhance the social and economic well-being of the citizenry of this state by requiring coordination of public and private transportation activities and the effective implementation of a safe and efficient total transportation system.

(b)(1) The purpose of this chapter is to effectuate the transportation policy set out in subsection (a) of this section by preparing and coordinating a comprehensive, balanced, multimodal transportation plan for the state, including, but not limited to, airways, highways, railways, waterways, bicycling, mass transit, and other transportation facilities and services, whether publicly or privately owned, developed, operated, or maintained.

(2) To this end, the Arkansas Department of Transportation is directed to establish and maintain coordination with all agencies of the state having transportation responsibility; local, city, and county governments; regional planning and transportation districts, commissions, and authorities; and private transportation agencies.

(3) The General Assembly further directs that each agency, authority, board, commission, department, and institution of the state and its political subdivisions regularly or intermittently involved in any effort concerning public transportation planning and operation in the state shall inform the Arkansas Department of Transportation of its transportation plans for the future.

(4) It is further directed that all transportation proposals by any public agency, authority, board, commission, department, or institution of the state and its political subdivisions involving any form of public transportation service to be operated on state highways shall be reviewed by the State Highway Commission as to its economy, effectiveness, efficiency, and equity in the overall transportation function of the state, its reciprocal relationships, and its coordination in the total transportation planning process for the state.

History. Acts 1977, No. 192, §§ 2, 3; A.S.A. 1947, §§ 76-2802, 76-2803; Acts 1995, No. 1296, § 90; 2017, No. 707, § 306.

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transportation Department" in (b)(2).

27-1-103. Definition.

As used in this chapter, "service" or "services" means either or both freight and passenger transport, whether by air, land, or water.

History. Acts 1977, No. 192, §§ 4, 5; A.S.A. 1947, §§ 76-2804, 76-2805; Acts 2017, No. 707, § 307.

Amendments. The 2017 amendment

deleted former (a)(1), (a)(2), (b)(1), and (b)(2); and deleted the (a) and (a)(3) designations.

27-1-104. Powers of certain entities unabrogated — Coordination expected.

(a) In coordinating the statewide transportation planning, the existing authority and responsibilities of local governing bodies, the Arkansas Public Service Commission, and the Arkansas Transportation Commission [abolished], as provided in § 23-2-201 et seq., shall not be abridged or abrogated.

(b)(1) In the area of marine and aviation facilities and services, it is the intent of this chapter that the various state and local airport commissions and the Arkansas Waterways Commission's authority, powers, and responsibilities shall remain intact.

(2) However, the various state and local airport commissions and the Arkansas Waterways Commission shall inform the Arkansas Department of Transportation of their plans in order that total transportation planning can be achieved and made available for incorporation in a comprehensive growth plan for the state.

History. Acts 1977, No. 192, § 7; A.S.A. 1947, § 76-2806; Acts 2017, No. 707, § 308.

Amendments. The 2017 amendment redesignated former (b) as (b)(1) and (b)(2); and, in (b)(2), substituted "the vari-

ous state and local airport commissions and the Arkansas Waterways Commission" for "they" and substituted "Department of Transportation" for "State Highway and Transportation Department".

27-1-105. Rail service — Powers and duties.

(a) The Arkansas Department of Transportation is authorized to exercise those powers necessary for the state to qualify for rail service preservation subsidies or other transportation assistance under the provisions of any federal act. The department shall:

(1) Establish a state plan for rail transportation and local rail services;

(2) Administer and coordinate the state plan;

(3) Provide in the plan for the distribution of federal rail service preservation subsidies or other federal assistance; and

(4) Provide satisfactory assurance on behalf of the state that such fiscal control and fund accounting procedures will be adopted by the state as may be necessary to assure proper disbursement of an account for federal funds paid to the state.

(b) The department is authorized to provide financial assistance, within the limits of the funds appropriated for this purpose, for the preservation of operations and maintenance of any railroad within the state, as provided for in relevant federal legislation.

(c) The department may cooperate with other states in connection with the preservation of any rail services within this state. In carrying out the authority conferred by this section, the department may enter into general contractual arrangements with other states.

(d) The department may contract with any domestic or foreign person, firm, corporation, agency, or government to provide, maintain, or improve rail transportation service within this state.

History. Acts 1977, No. 192, § 8; A.S.A. 1947, § 76-2807; Acts 2017, No. 707, § 309.

Amendments. The 2017 amendment,

in (a), substituted "Department of Transportation" for "State Highway and Transportation Department", and made a stylistic change.

27-1-106. Mass transit — Findings — Powers and duties.

(a) The General Assembly finds that:

(1) Transportation is a critical problem for the elderly, individuals with disabilities, and others without access to the use of a private automobile;

(2) Public transportation in the rural and small urban areas in Arkansas is lacking;

(3) Public transportation in many instances is no longer a profitable undertaking for private enterprise acting alone;

(4) Public subsidy of public transportation, whether privately or publicly operated, is often necessary to provide needed transportation services;

(5) The variety of federal, state, and local activities in providing public transportation services requires coordination for optimal utilization of and maximum benefit from public resources;

(6) Communities require technical assistance in addressing their public transportation needs; and

(7) It is in the best interest of the people of Arkansas to develop programs providing solutions for the above concerns.

(b) To this end, the Arkansas Department of Transportation shall:

(1) Coordinate research into the problems of mass transit and reasonable solutions; and

(2) Realize the economies of organized coordinated transport service in order to eliminate the substantial waste in uncoordinated and often duplicated efforts which are particularly troublesome in view of the limited fiscal resources of the smaller urbanized areas and urban places peculiar to the Arkansas demographic situation.

(c) The department is authorized to exercise those powers necessary for the state to qualify for urban mass transportation administration funds and any other public transit funds or other transportation assistance pursuant to the provisions of any federal or state act.

(d) The department is authorized to provide financial assistance within the limits of the funds appropriated for this purpose for capital or operating assistance to urban mass transportation systems within the state as provided for in relevant federal or state legislation.

(e) The department may cooperate with other states in connection with the improving, initiating, maintaining, planning, or preserving of any public transit program within this state. In carrying out the authority conferred by this subsection, the department may enter into general contractual arrangements with other states.

(f) The department may contract with any domestic or foreign person, firm, corporation, agency, or government to improve, initiate, maintain, plan, or preserve any public transit service within this state.

History. Acts 1977, No. 192, § 9; A.S.A. 1947, § 76-2808; Acts 1997, No. 208, § 29; 2017, No. 707, § 310.

A.C.R.C. Notes. Acts 1997, No. 208, § 1, as reenacted by Acts 2017, No. 255, § 1, provided: "Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, and ambiguous or are inconsistent

with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code of 1987 Annotated."

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transportation Department" in (b).

27-1-107. Rules — Reorganization.

The Arkansas Department of Transportation shall adopt and promulgate reasonable rules and reorganize as necessary to carry out the responsibilities delegated to it under this chapter.

History. Acts 1977, No. 192, § 10; A.S.A. 1947, § 76-2809; Acts 2017, No. 707, § 311; 2019, No. 315, § 3076.

Amendments. The 2017 amendment substituted "Department of Transportation"

for "State Highway and Transportation Department".

The 2019 amendment deleted "and regulations" following "rules" in the section heading and in the text.

CHAPTER 2

HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977

SECTION.

- 27-2-102. Definitions.
- 27-2-103. Prohibited acts — Exceptions.
- 27-2-105. Enforcement.
- 27-2-106. Additional rules authorized.

SECTION.

- 27-2-108. Conformity with Arkansas Administrative Procedure Act.

27-2-102. Definitions.

As used in this chapter:

(1) "A label which provides an adequate warning" means a label firmly affixed, clearly legible, conspicuously displayed, and readily accessible for reading which meets the following standards:

(A) Standards established by the laws or regulations of the United States, or by any agency of the United States, and in effect on March 15, 1977, affirmatively requiring the use of a label on containers of hazardous materials;

(B) Standards established by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and rules adopted pursuant to it affirmatively requiring the use of a label on containers of hazardous materials;

(C) Standards established by the Arkansas Department of Transportation, by rule, with reference to labeling of containers of hazardous materials; or

(D) In the absence of applicable standards in any of the preceding categories, the following standards:

- (i) The name and place of business of the manufacturer, packer, distributor, or seller;
 - (ii) The common or usual name, if any, the chemical name, and the chemical composition of the hazardous material;
 - (iii) The signal word "DANGER" on substances which are extremely flammable, combustible, corrosive, or highly toxic;
 - (iv) The signal word "WARNING" or "CAUTION" on all other hazardous materials;
 - (v) An affirmative statement of the principal hazard or hazards such as "Flammable", "Combustible", "Vapor harmful", "Causes burns", "Absorbed through skin", or similar wording descriptive of the hazard;
 - (vi) Precautionary measures describing the action to be followed or avoided;
 - (vii) Instructions, when necessary or appropriate, for first aid treatment;
 - (viii) The word "POISON" for any hazardous material which is capable of producing substantial personal injury or illness to human beings through ingestion, inhalation, or absorption through any body surface; and
 - (ix) Instructions for handling and storage of containers which require special care in handling or storage;
- (2) "Adequate emergency equipment" means equipment and procedures for the use of the equipment which are:
- (A) Reasonably adapted to the containment or neutralization of hazardous materials which escape from immediate containers;
 - (B) Reasonably transportable in or on the transporting equipment;
 - (C) Reasonably operable by the operator of the transporting equipment;
 - (D) Reasonably available; and
 - (E) Otherwise required, by rule, by the department;
- (3) "Adequate immediate container" means an immediate container which meets all applicable standards established by the laws of the United States, or by any agency of the United States by regulation in effect on March 15, 1977, or by the department, by rule, with reference to the adequacy of such a container to contain the materials within it. In the absence of applicable standards, an "adequate immediate container" means a container designed and constructed so as to contain the items or substances within it without escape during any customary or reasonably foreseeable handling or use during transportation;
- (4) "Carrier" means a person engaged, directly or by agent or employee, in the transportation of property by land, air, or water as a common, contract, or private carrier;
- (5) [Repealed.]
- (6)(A) "Hazardous material" means any substance or mixture of substances which:
- (i) Is toxic;
 - (ii) Is corrosive;

- (iii) Is an irritant;
- (iv) Is a strong sensitizer;
- (v) Is flammable or combustible;
- (vi) Generates pressure through decomposition, heat, or other means;
- (vii) Has been defined as such by the laws of the United States or by an agency of the United States, by regulation; or
- (viii) Has been defined as such by the department, by rule.

(B) It is the purpose of this definition to include any and all substances or mixtures of substances which pose a significant risk of substantial personal injury or substantial illness or substantial pollution to land, water, or air of Arkansas as a result of the unforeseen escape of such a substance or mixtures of substances during transportation;

(7) "Immediate container" means any receptacle which is designed to contain items or substances and prevent their escape into the environment. This definition includes, but is not limited to, bottles, boxes, cans, drums, chemical tank cars, and tank trucks;

(8) "Transport" means shipping or transportation of property by carrier where the shipping or transportation is in furtherance, incidentally or necessarily, of the business of the carrier; and

(9) All terms not otherwise defined in this section shall have the same definitions as set forth in §§ 23-13-203 and 23-13-206 unless clearly inconsistent with the purposes of this chapter.

History. Acts 1977, No. 421, § 2; A.S.A. 1947, § 76-2902; Acts 2017, No. 707, §§ 312, 313; 2019, No. 315, §§ 3077-3080.

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transporta-

tion Department" in (1)(C); and repealed (5).

The 2019 amendment substituted "rules" for "regulations" in (1)(B); and substituted "rule" for "regulation" throughout the section.

27-2-103. Prohibited acts — Exceptions.

(a) It shall be unlawful for any person to knowingly:

(1) Transport or cause to be transported within this state hazardous material in an immediate container which does not bear a label which provides an adequate warning;

(2) Transport or cause to be transported within this state hazardous material in an immediate container without carrying adequate emergency equipment;

(3) Transport or cause to be transported within this state a hazardous material in a container other than an adequate immediate container;

(4) Fail to utilize adequate emergency equipment promptly and properly, to the extent possible without serious risk of personal injury, in order to deal with the escape of a hazardous material from its immediate container when the person is the operator of the transporting equipment;

(5) Fail to notify the Division of Arkansas State Police as promptly as reasonably possible of the escape of a hazardous material from its immediate container when the person is the carrier or is the operator of the transporting equipment; or

(6) Violate any rule promulgated by the State Highway Commission pursuant to this chapter.

(b)(1) Any and all exceptions to the requirements contained in subsection (a) of this section allowed transporters of agricultural products, petroleum products, a material of trade, or any others, as set out in 49 C.F.R. pt. 173, including, but not limited to, 49 C.F.R. §§ 173.5, 173.6, and 173.8, shall be allowable to the transporters provided that all the requirements to avail these transporters of those exemptions, which requirements are set out in these United States Department of Transportation regulations, are met by the transporters.

(2) Further provided, if the United States Department of Transportation or the United States Congress adopts exceptions greater than those currently allowed transporters of hazardous materials in 49 C.F.R. pt. 173, the Arkansas Department of Transportation may adopt such comparable exemptions as are applicable to the transporters while utilizing the highways of this state.

(c) The provisions of subdivision (a)(5) of this section shall not apply to persons while operating farm vehicles of whatever size upon agricultural land owned, leased, or rented by the persons or their employers.

History. Acts 1977, No. 421, §§ 6, 7; A.S.A. 1947, §§ 76-2906, 76-2907; Acts 1991, No. 769, § 1; 1999, No. 1255, § 1; 2017, No. 707, § 314; 2019, No. 315, § 3081.

in (b)(2), inserted "United States" following "if the" and substituted "Department of Transportation" for "State Highway and Transportation Department".

The 2019 amendment substituted "rule" for "regulation" in (a)(6).

Amendments. The 2017 amendment,

27-2-105. Enforcement.

The enforcement personnel of the Division of Arkansas State Police and enforcement personnel of the Arkansas Department of Transportation shall have the authority to enforce the provisions of this chapter.

History. Acts 1977, No. 421, § 5; A.S.A. 1947, § 76-2905; Acts 2017, No. 707, § 315.

substituted "Department of Transportation" for "State Highway and Transportation Department".

Amendments. The 2017 amendment

27-2-106. Additional rules authorized.

(a)(1) In addition to the specific authority granted to the Arkansas Department of Transportation by this chapter to define terms and impose additional requirements, by rule, the department shall have the authority to promulgate additional rules, in the manner provided by law, in furtherance of this chapter.

(2) These rules may include, but are not limited to, the establishment of reasonable safeguards in the transportation of hazardous

materials, including, as the department finds appropriate, the use of escort vehicles and the temporary prohibition of transportation of hazardous materials during unsafe conditions, the establishment of a system requiring notification of public authorities prior to transportation of hazardous materials, the adoption by reference of laws or regulations of the United States, and the maintenance of records.

(b) The department is empowered to enforce this chapter by any and all civil or criminal remedies provided by law.

(c) All portions of this chapter, except this section, shall be fully operable and effective without the enactment of rules by the department.

(d) Nothing contained within this chapter or requirements imposed by it shall be construed so as to relieve any person from the necessity of complying with any applicable laws or regulations of the United States.

History. Acts 1977, No. 421, § 3; A.S.A. 1947, § 76-2903; Acts 2017, No. 707, § 316; 2019, No. 315, §§ 3082, 3083.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department” in (a)(1).

The 2019 amendment substituted “rules” for “regulations” throughout (a) and (c); and substituted “rule” for “regulation” in (a)(1).

27-2-108. Conformity with Arkansas Administrative Procedure Act.

All rules proposed and adopted by the Arkansas Department of Transportation under this chapter and all other actions of the department taken under the authority and responsibility prescribed in this chapter shall be in conformity with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1977, No. 421, § 4; A.S.A. 1947, § 76-2904; Acts 2017, No. 707, § 317; 2019, No. 315, § 3084.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department”; and made stylistic changes.

The 2019 amendment deleted “and regulations” following “rules”.

CHAPTER 3

ARKANSAS PUBLIC TRANSPORTATION
COORDINATION ACT

SECTION.	SECTION.
27-3-102. Legislative determination.	27-3-104. Definitions.
27-3-103. Arkansas Public Transportation Coordination Council established.	27-3-105. Purpose — Rights and responsibilities.
	27-3-106. Administrative support.

Effective Dates. Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General As-

sembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-3-102. Legislative determination.

Adequate and efficient public transportation is essential to the well-being of many of our state's citizens and the economic growth of both urban and rural areas. It is the purpose and intent of this chapter to have a general public transportation policy which encourages the planning, development, implementation, operation, and evaluation of efficient and coordinated transportation systems, both public and private. While the leadership and coordination in the development of public transportation policy and programs is vested in the Arkansas Department of Transportation by statutory authority, a number of departments, agencies, and other legally constituted bodies are involved in the implementation and operation of public transportation services, and the policy and programs should be developed with their advice and recommendations.

History. Acts 1993, No. 353, § 2; 2017, No. 707, § 318.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department".

27-3-103. Arkansas Public Transportation Coordination Council established.

(a) There is hereby established the Arkansas Public Transportation Coordination Council, which shall consist of twelve (12) members.

(b) The members shall be as follows:

(1)(A) There shall be three (3) members of the Arkansas Public Transportation Coordination Council appointed by the Governor to serve for terms of four (4) years:

(i) One (1) member shall be appointed to represent the transit operators and shall be directly involved with the management of a public transit system;

(ii) One (1) member shall be appointed to represent the consumers of public transportation services; and

(iii) One (1) member shall be appointed as a member at large.

(B) In the event of a vacancy on the Arkansas Public Transportation Coordination Council of one (1) of the gubernatorial positions due to death, resignation, or other reason, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor of a person meeting the same qualifications as are required for the initial appointment;

(2) The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one (1) person to serve at their pleasure who is not a member of the General Assembly;

(3) The remaining seven (7) members of the Arkansas Public Transportation Coordination Council shall be:

(A) The Secretary of the Department of Human Services or his or her designee;

(B) The Director of State Highways and Transportation or his or her designee;

(C) The Secretary of the Department of Health or his or her designee;

(D) The Chair of the Arkansas Economic Development Council or his or her designee;

(E) The Director of the Arkansas Economic Development Commission or his or her designee;

(F) The Director of the University of Arkansas Cooperative Extension Service or his or her designee; and

(G) The Chair of the Arkansas Workforce Development Board or his or her successor or designee.

(c) The Arkansas Public Transportation Coordination Council shall elect by majority vote one (1) of its members to serve as chair and one (1) of its members to serve as vice chair for such terms as are determined by the Arkansas Public Transportation Coordination Council.

(d) The Arkansas Public Transportation Coordination Council shall have the power to prescribe and issue, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., such reasonable rules as may be necessary to carry out the provisions of this chapter.

(e) The Arkansas Public Transportation Coordination Council shall meet at the call of the Chair of the Arkansas Public Transportation Coordination Council.

(f) Seven (7) members of the Arkansas Public Transportation Coordination Council constitute a quorum, and a majority vote of the members present is necessary for any action taken by the Arkansas Public Transportation Coordination Council.

(g) The members of the Arkansas Public Transportation Coordination Council shall serve without compensation provided that in the

event that funds shall be available for such purposes, the members may receive expense reimbursement as provided in § 25-16-901 et seq.

History. Acts 1993, No. 353, § 3; 1997, No. 250, § 245; 1997, No. 540, § 61; 1997, No. 1354, § 45; 1999, No. 935, § 8; 1999, No. 991, § 1; 2001, No. 1288, § 26; 2015 (1st Ex. Sess.), No. 7, § 136; 2015 (1st Ex. Sess.), No. 8, § 136; 2019, No. 315, § 3085; 2019, No. 910, § 5119.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (d).

The 2019 amendment by No. 910 substituted “Secretary of the Department of

Human Services” for “Director of the Department of Human Services” in (b)(3)(A); substituted “Secretary of the Department of Health” for “Director of the Department of Health” in (b)(3)(C); and substituted “Director of the Arkansas Economic Development Commission” for “Executive Director of the Arkansas Economic Development Commission” in (b)(3)(E).

27-3-104. Definitions.

As used in this chapter:

(1) “Coordination” means the arrangement for the provision of transportation to the general public in a manner that is cost effective, efficient, and reduces fragmentation and duplication of services;

(2) “Council” means the Arkansas Public Transportation Coordination Council;

(3) [Repealed.]

(4) “Federal agency” means any department, office, council, or agency of the federal government;

(5) “Local agency” means any entity of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency;

(6) “Public transportation” means every conveyance of human passengers by bus, van, or any other ground surface vehicle which is provided to the general public or selected groups thereof on a regular or continuing basis;

(7) “State” means the State of Arkansas;

(8) “State agency” means any department, board, commission, office, or agency of the State of Arkansas; and

(9) “Transportation disadvantaged” means those persons who because of physical or mental disability, income status, or age are unable to transport themselves and are therefore dependent upon others for transportation services.

History. Acts 1993, No. 353, § 4; 2017, No. 707, § 319.

Amendments. The 2017 amendment repealed (3).

27-3-105. Purpose — Rights and responsibilities.

(a) The Arkansas Public Transportation Coordination Council, by and through the Arkansas Department of Transportation, is to accomplish the coordination of transportation services provided to the general public, particularly the transportation-disadvantaged.

(b) The goal of this coordination shall be to assure the cost-effective provision of public transportation by qualified transportation operators.

(c) In carrying out this purpose, the council shall:

(1) Serve as a clearinghouse for information relating to public transportation services, funding sources, innovations, and coordination efforts;

(2) Establish statewide objectives for providing public transportation services for the general public, particularly the transportation-disadvantaged;

(3) Develop policies and procedures for the coordination of federal, state, and local funding for public transportation facilities and services;

(4) Identify barriers prohibiting the coordination and accessibility of public transportation services and aggressively pursue the elimination of these barriers;

(5) Assist communities in developing public transportation systems available for public use, with special emphasis on serving the transportation-disadvantaged;

(6) Assure that all procedures, guidelines, and directives issued by state agencies are conducive to the coordination of public transportation services and facilities;

(7) Develop standards covering coordination, operation, costs, and utilization of public transportation services;

(8)(A) Through the department, have the authority to apply for and accept funds, grants, gifts, and services from federal, state, local, or private funding sources.

(B) Funds acquired or accepted under subdivision (c)(8)(A) of this section shall be solely for the purpose of carrying out the council's responsibilities;

(9)(A) Review, monitor, and coordinate all funding requests for state and federal grants to be used for the provision of public transportation services.

(B) The funds shall be available only to those entities participating in an approved coordinated transportation system or an entity which has been granted a waiver by the council; and

(10) Coordinate all public transportation programs with the appropriate local, state, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

History. Acts 1993, No. 353, § 6; 2017, No. 707, § 320.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department" in (a).

27-3-106. Administrative support.

(a) Administrative support shall be provided by the Arkansas Department of Transportation.

(b) The department shall employ such personnel as may be necessary to perform adequately the functions of the Arkansas Public

Transportation Coordination Council within the limitations of the department’s annual appropriations act.

(c) The department may utilize any state-appropriated funds or federal funds available for such purposes.

History. Acts 1993, No. 353, § 5; 2017, substituted “Department of Transportation” for “State Highway and Transportation Department” in (a).
Amendments. The 2017 amendment

SUBTITLE 2. MOTOR VEHICLE REGISTRATION AND LICENSING

**CHAPTER 13
GENERAL PROVISIONS**

SECTION. 27-13-102. Proof of insurance required — Definition.	SECTION. 27-13-103. Rules.
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Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-13-102. Proof of insurance required — Definition.

(a) A motor vehicle license plate or motor vehicle registration shall not be issued, renewed, or changed unless:

(1) A check of the Vehicle Insurance Database indicates that the vehicle and the applicant’s operation of the vehicle meet the motor vehicle liability insurance requirements of § 27-22-101 et seq.; or

(2) The applicant provides satisfactory proof to the Department of Finance and Administration that the vehicle and the applicant’s operation of the vehicle meet the motor vehicle liability insurance requirements of § 27-22-101 et seq.

(b)(1) Satisfactory proof that the vehicle and the applicant’s operation of the vehicle meet the motor vehicle liability insurance requirements of § 27-22-101 et seq. may be presented in either paper form or electronic form only if presented to the department within thirty (30)

days from the date of issuance shown on the paper form or electronic form.

(2) As used in subdivision (b)(1) of this section, “electronic form” means the display of electronic images on a cellular phone or any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required by § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

(c) The department is not liable for damages to any property or person due to an act or omission that occurs while administering this section, including without limitation any damage that occurs to a cellular phone or portable electronic device that is used to present satisfactory proof of motor vehicle liability insurance coverage.

(d) This section does not apply to state-owned vehicles or state employees while operating state-owned vehicles.

History. Acts 1987, No. 442, §§ 3, 6; 1987, No. 971, § 1; 1997, No. 991, § 6; 2013, No. 175, § 1; 2019, No. 869, § 3.

Amendments. The 2019 amendment added “only if presented to the department within thirty (30) days from the date

of issuance shown on the paper form or electronic form” in (b)(1).

Cross References. Arkansas Online Insurance Verification System Act, § 27-22-201 et seq.

27-13-103. Rules.

The Secretary of the Department of Finance and Administration shall have the authority to promulgate such rules as are necessary to implement and administer the provisions of this act.

History. Acts 1997, No. 974, § 19; 2019, No. 910, § 4484.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration”.

CHAPTER 14

MOTOR VEHICLE ADMINISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT ACT

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DEFINITIONS. [REPEALED.]
3. PENALTIES AND ADMINISTRATIVE SANCTIONS.
4. OFFICE OF MOTOR VEHICLE.
5. COMMISSION FOR RECIPROCAL AGREEMENTS.
6. REGISTRATION AND LICENSE FEES.
7. REGISTRATION AND CERTIFICATES OF TITLE.
8. LIENS AND ENCUMBRANCES.
9. TRANSFERS OF TITLE AND REGISTRATION.
10. PERMANENT AUTOMOBILE LICENSING ACT.
11. SPECIAL PERSONALIZED PRESTIGE LICENSE PLATES.
12. PERMANENT TRAILER LICENSING ACT OF 1979.

SUBCHAPTER.

13. TRUCKS AND TRAILERS.
14. BUSES.
15. TAXICABS.
16. MANUFACTURED HOMES AND MOBILE HOMES.
17. LICENSE PLATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS.
18. VEHICLES IN TRANSIT TO DEALERS.
19. TRANSPORTING OF MOTOR HOMES BY MANUFACTURERS.
21. DRIVE-OUT TAGS.
22. THEFT OF VEHICLES AND PARTS.
23. DISCLOSURE OF DAMAGE AND REPAIR ON THE CERTIFICATE OF TITLE.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 27-14-101. Title.
- 27-14-103. Arkansas Forestry Commission — Exemption.

SECTION.

- 27-14-104. Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-14-101. Title.

This chapter may be cited as the “Motor Vehicle Administration, Certificate of Title, and Antitheft Act”.

History. Acts 1949, No. 142, § 90; A.S.A. 1947, § 75-190; Acts 2017, No. 448, § 1.

Amendments. The 2017 amendment deleted “Uniform” preceding “Motor Vehicle”.

27-14-103. Arkansas Forestry Commission — Exemption.

(a)(1) Except as provided under subdivision (a)(2) of this section, the Arkansas Forestry Commission is exempt from the licensing and registration requirements under this subtitle for a truck, pickup truck, motor vehicle, or other vehicle of any nature that it owns, uses, and operates.

(2)(A) The State Forester and the Secretary of the Department of Finance and Administration shall adopt identification tags or other

insignia that shall be attached to the vehicles by the officers, members, and employees of the commission.

(B) A charge shall not be made or fee collected for the identification tags or other insignia.

(b)(1) Except as provided under subdivision (b)(2) of this section, a truck, pickup truck, motor vehicle, or other vehicle of any nature owned, used, and operated by the commission is exempt from the payment of any fees and charges required by the laws of this state for the operation of the vehicles upon the public highways of this state.

(2) However, the commission shall pay the initial fees and charges required by state law to register the vehicle and enter the vehicle in the state licensing and registration system.

History. Acts 2011, No. 638, § 1; 2019, No. 910, § 4485.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(2)(A).

27-14-104. Definitions.

As used in this chapter:

(1) "Bus" means a motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, or a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(2) "Dealer" means a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter and who has an established place of business for that purpose in this state;

(3) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered under this chapter, that if removed, altered, or substituted would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

(4) "Established place of business" means the place actually occupied, either continuously or at regular periods, by a dealer or manufacturer, where the books and records of the business are kept and a large share of the business is transacted;

(5) "Foreign vehicle" means a vehicle not registered in this state but of a type required to be registered under this chapter and brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer;

(6) "Implement of husbandry" means a vehicle not subject to registration if used on the highways and designed or adapted exclusively for timber harvesting or hauling, agricultural, horticultural, or livestock raising operations, or for lifting or carrying an implement of husbandry;

(7) "Manufactured home" means a factory-built structure:

(A) Produced in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

(B) Designed to be used as a dwelling unit;

(8) "Manufacturer" means a person engaged in the business of constructing or assembling vehicles of a type required to be registered under this chapter at an established place of business in this state;

(9) "Mobile home" means a structure:

(A) Built in a factory before the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

(B) Designed to be used as a dwelling unit;

(10)(A) "Motor home" means a motor vehicle designed to provide temporary living quarters, built onto, or permanently attached to, an integral part of a self-propelled motor vehicle chassis.

(B) The vehicle shall contain permanently installed independent life-enhancement systems;

(11) "Motor vehicle" means a vehicle that is self-propelled or that is propelled by electric power obtained from overhead trolley wires but not operated upon stationary rails or tracks;

(12) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding a tractor;

(13) "Nonresident" means a person who is not a resident of this state;

(14)(A) "Owner" means a person who holds the legal title of a vehicle.

(B) In the event a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter;

(15) "Person" means a natural person, firm, copartnership, association, or corporation;

(16) "Pneumatic tire" means a tire in which compressed air is designed to support the load;

(17) "Pole trailer" means a vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members, capable generally of sustaining themselves as beams between the supporting connections;

(18) "Reconstructed vehicle" means a vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used;

(19)(A) "Resident" means any person who:

(i) Remains in this state for a period of more than six (6) months;

(ii) Resides in this state due to a change of abode; or

(iii) Is domiciled in this state on a temporary or permanent basis.

(B) "Resident" does not include a person who is in this state as a student;

(20) "School bus" means a motor vehicle that is owned by a public or governmental agency and operated for the transportation of children to or from school or that is privately owned and operated for compensation for the transportation of children to or from school;

(21) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(22) "Special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including without limitation:

- (A) A farm tractor;
- (B) Road construction or maintenance machinery;
- (C) A ditch-digging apparatus;
- (D) A well-boring apparatus; and
- (E) A concrete mixer;

(23) "Specially constructed vehicle" means a vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(24) "Street" or "highway" means the entire width between boundary lines of a roadway publicly maintained when any part of the roadway is open to the use of the public for purposes of vehicular travel;

(25) "Trailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(26) "Transporter" means a person engaged in the business of delivering vehicles of a type required to be registered under this chapter from a manufacturing, assembly, or distributing plant to dealers or sales agents of a manufacturer;

(27) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property;

(28) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and

(29) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

History. Acts 1949, No. 142, §§ 1-15; No. 912, § 1; 2003, No. 1473, § 67; 2005, 1959, No. 307, §§ 1, 3; 1973, No. 596, § 1; No. 1991, §§ 1, 4; 2009, No. 317, § 1; A.S.A. 1947, §§ 75-101-75-115; Acts 1991, 2017, No. 448, § 2.
No. 730, § 2; 1993, No. 445, § 39; 1999,

Publisher's Notes. The definitions in

this section were formerly codified as § 27-14-201 et seq.

CASE NOTES

ANALYSIS

Applicability.
Boats.
Camper Trailer.
Front-End Loader.
Motor Vehicles.
Mowers.
Owner.
Road Graders.
Tractors.

Applicability.

The exemptions in the definitions of "Special mobile equipment" and "Implementation of husbandry" are exemptions to the vehicle registration and licensing provisions and are not applicable to the weight provisions of § 27-35-101 et seq. *Stuart v. State*, 263 Ark. 54, 563 S.W.2d 398 (1978).

Boats.

The definitions in this section of "Motor vehicle" and "Vehicle" have no reference to boats. *Weber v. State*, 250 Ark. 566, 466 S.W.2d 257 (1971).

Camper Trailer.

Camper trailer placed on owner's property and used as a residence met the definition of semitrailer as, when moved, the camper trailer was still able to be attached to the back of a pickup truck and towed to its destination. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

In insurer's declaratory judgment action, the trial court erred in granting summary judgment to insurer where the policy language, when coupled with the relevant statutory provisions, did not clearly exclude liability coverage for a semitrailer used solely as a residence; the Missouri Administrator of the State Office of Motor Vehicles unequivocally stated that the camper trailer in question was not subject to registration based upon its use as a residence. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

Front-End Loader.

Summary judgment was improperly granted in favor of a city and its employee

in a negligence action based on governmental immunity where there was a genuine issue of material fact as to whether the operation of the loader on public roads was frequent and regular or merely incidental, and thus, whether the front-end loader was exempted from the statutory definition of "motor vehicle." *Spears v. City of Fordyce*, 351 Ark. 305, 92 S.W.3d 38 (2002).

In a dispute over uninsured motorist benefits, insurer's motion for judgment notwithstanding the verdict should have been granted because, even though a front-end loader could have been both "special mobile equipment" and an "auto" under an insurance policy, there was no showing that the vehicle was designed primarily for use on public roads. *Southern Farm Bureau Cas. Ins. Co. v. Spears*, 360 Ark. 200, 200 S.W.3d 436 (2004).

Motor Vehicles.

An all-terrain vehicle meets the definition of a motor vehicle as set out in this section, since all-terrain vehicles are self-propelled and do not require rails; the term motor vehicle, as used in § 5-65-103, also includes all-terrain vehicles. *Fitch v. State*, 313 Ark. 122, 853 S.W.2d 874 (1993).

Where an insurance policy definition limits "motor vehicle" to one "designed to be used" (not merely used) on public roads, such a definition is narrower than that contemplated by Arkansas' statutory law. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

A Trail 70 vehicle with a 70 cc engine is a motor vehicle, specifically, a motor-driven cycle, and, when used upon public streets, is subject to Arkansas' registration and licensing laws. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

Mowers.

Mowers and other vehicles not designed for transportation are special mobile equipment and exempt from registration. *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

Owner.

The giving of an invoice upon sale of motor vehicle by dealer was not such indicia of ownership as would estop dealer from recovering automobile from innocent purchaser after original purchaser's check was found to be fraudulent. *Dobbins v. Martin Buick Co.*, 216 Ark. 861, 227 S.W.2d 620 (1950) (decision under prior law).

Conditional vendee of a motor vehicle is the owner for insurance purposes even though the vendee has not received a certificate of title. *Olin Mathieson Chem. Corp. v. Southwest Cas. Co.*, 149 F. Supp. 600 (W.D. Ark. 1957).

Bill of sale by truck owner in payment of attorney's fees was an absolute conveyance of his interest and not a conditional sale or mortgage. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

Where truck owner transferred truck to attorney in payment of attorney's fees, failure of attorney to obtain the certificate of title at the time he received the bill of sale did not deprive him of title, for the certificate of title is not title itself but only evidence of it. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

The fact that an automobile was registered in the name of the alleged owner at the time of a mishap was evidence of title in the alleged owner despite evidence that the driver had paid the alleged owner a down payment on the automobile before

the mishap. *Rook v. Moseley*, 236 Ark. 290, 365 S.W.2d 718 (1963).

Summary judgment in favor of the government in a forfeiture action of a car brought under 21 U.S.C.S. § 881(a)(4) and (j) was reversed because, under Arkansas law, it was clear that both claimants had U.S. Const. art. III standing to challenge the forfeiture under 18 U.S.C.S. § 983(a)(4) & (d); the grandmother had the greatest financial stake in the car and, under this section, the mother was the owner of the car because she held legal title as the registered owner under § 27-14-713, although there was evidence that the mother had only "bare legal title" that was sufficient to confer Article III standing to contest the forfeiture. *United States v. One Lincoln Navigator 1998*, 328 F.3d 1011 (8th Cir. 2003).

Road Graders.

A road grader falls within the definition of special mobile equipment because it is not used primarily for the transportation of persons or property and it is only incidentally operated or moved over the highways. *Clark v. Randolph County*, 71 Ark. App. 112, 36 S.W.3d 353 (2000).

Tractors.

A tractor is an implement of husbandry, and is not subject to registration. *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

SUBCHAPTER 2 — DEFINITIONS**SECTION.**

27-14-201 — 27-14-216. [Repealed.]

27-14-201 — 27-14-216. [Repealed.]

Publisher's Notes. This subchapter, concerning definitions, was repealed by Acts 2017, No. 448, § 3.

For current law, see § 27-14-104.

SUBCHAPTER 3 — PENALTIES AND ADMINISTRATIVE SANCTIONS**SECTION.**

27-14-305. Penalty for using or making unofficial license plates — Definition.
27-14-307. False evidences of title or registration.

SECTION.

27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.
27-14-311. Appeal of revocation by dealer.

Effective Dates. Acts 2017, No. 532, § 10: Mar. 20, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the present system for registering commercial motor vehicles is inconvenient, expensive, unduly time-consuming, and lacks the software capabilities offered by comparable systems in other states to facilitate the registration process electronically. In order to make the Arkansas Motor Carrier System operational on or before January 1, 2018 as required by this act, the Department of Finance and Administration must be authorized to immediately commence planning, programming, and promulgating the necessary rules, regulations, and procedures pertaining to the necessary system enhancements. These enhancements are estimated to take more than six (6) months to complete. Moreover, due to the lack of clarity in current law, commercial motor carriers currently face potential unwarranted liability for acts or omissions involving license plates and registrations. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by

the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-305. Penalty for using or making unofficial license plates — Definition.

(a) It shall be unlawful for the owner of any automobile, Class One truck, trailer or semitrailer, motorcycle, or motorcycle sidecar to display any license plate on the rear of the vehicle that is not furnished by the Secretary of the Department of Finance and Administration.

(b)(1) It is unlawful for a person, firm, or corporation to reproduce, paint, or alter a license plate or registration card in this state.

(2) For the purpose of this section, "license plate" means a plate designed to be affixed to the rear of a motor vehicle, including without limitation:

(A) A plate advertising a new or used car dealership or other type of business;

(B) A rental car company identification plate; or

(C) A temporary cardboard buyer's tag under § 27-14-1705.

(3) For the purpose of this section, "reproduce, paint, or alter a license plate or registration card" does not include the:

(A) Printing of a commercial motor vehicle registration card as authorized under § 27-14-613; or

(B) Affixing of a decal bearing the commercial motor carrier's logo to a commercial motor vehicle's license plate if the decal has been authorized and approved by the secretary or the secretary's designee as authorized under § 27-14-613.

(c) Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

History. Acts 1929, No. 65, § 36; Pope's Dig., § 6636; Acts 1965, No. 493, § 8; A.S.A. 1947, § 75-236; Acts 2005, No. 1929, § 5; 2009, No. 186, § 1; 2017, No. 532, § 4; 2019, No. 910, §§ 4486, 4487.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the registration process for commercial motor vehicles;

"(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

"(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles that are registered with the International Registration Plan;

"(4) The law needs to be clarified to verify that license plates for commercial motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

"(5) An enhancement creating an online system for administrative transac-

tions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

"(6) Enhancements to the Arkansas Motor Carrier System will make available to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

"(7) Directing the department to develop rules, regulations, and procedures to implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state's goal of improving services and modernizing the Arkansas Motor Carrier System."

Amendments. The 2017 amendment substituted "For the purpose" for "For purposes" in the introductory language of (b)(2); added (b)(3); and made stylistic changes.

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and, in (b)(3)(B), substituted "secretary" for "director" and "secretary's" for "director's".

27-14-306. Improper use of evidences of registration.

CASE NOTES

ANALYSIS

Circuit Court Judge Candidate.
Mental State.

Circuit Court Judge Candidate.

Candidate for circuit court judge was not disqualified from running due to his conviction for a violation of this section, as

misdemeanor "infamous crimes" under Ark. Const., Art. 5, § 9 and § 7-1-101 are misdemeanor offenses in which "the finder of fact was required to find, or the defendant to admit, an act of deceit, fraud, or false statement", and the appellate court could not say that a violation of this section required a finding or admission of deceit, fraud, or false statement. Weeks v.

Thurston, 2020 Ark. 64, 594 S.W.3d 23 (2020).

Mental State.

Violation of this section does not necessarily involve dishonesty or false statement, and the Supreme Court overrules Fronterhouse v. State, 2015 Ark. App. 211, on that specific point. Weeks v. Thurston, 2020 Ark. 64, 594 S.W.3d 23 (2020).

While deceit, fraud, or a false statement certainly can be present in a violation of this section, a finder of fact is not required under the statute to find deceit, fraud, or a false statement. Furthermore, only one of the three ways one can violate this section requires a culpable mental state—knowingly permitting. Weeks v. Thurston, 2020 Ark. 64, 594 S.W.3d 23 (2020).

27-14-307. False evidences of title or registration.

It is a felony for a person to commit any of the following acts:

- (1) To alter, with fraudulent purpose, any certificate of title, registration certificate, registration plate, manufacturer’s certificate of origin, or permit issued by the Office of Motor Vehicle;
- (2) To forge or counterfeit any such document or plate purporting to have been issued by the office or by the manufacturer; or
- (3) To alter or falsify, with purpose to defraud or mislead, or with purpose to evade the registration laws, any assignment upon a certificate of title or upon a manufacturer’s certificate of origin.

History. Acts 1949, No. 142, § 78; 1957, No. 368, § 1; A.S.A. 1947, § 75-178; Acts 2021, No. 1082, § 2.

substituted “purpose” for “intent” in (1) and twice in (3); deleted (4); and made a stylistic change.

Amendments. The 2021 amendment

27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.

(a) Upon sufficient proof or information that any motor vehicle has been licensed and registered in this state without the tax due on all the personal property of the applicant having been paid or without having been listed for assessment or assessed, the Secretary of the Department of Finance and Administration is authorized to revoke the license and registration of the motor vehicle.

(b) The provisions of this section shall not apply to dealer’s license and registration.

History. Acts 1951, No. 130, § 2; 1953, No. 144, § 2; A.S.A. 1947, § 75-179.1; Acts 2019, No. 910, § 4488.

substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

Amendments. The 2019 amendment

27-14-311. Appeal of revocation by dealer.

(a)(1) Any dealer whose license or permit has been revoked by the Secretary of the Department of Finance and Administration may appeal to the circuit court of the county in which the dealer’s license or permit was issued, within thirty (30) days, by filing a petition and bond as in other cases of appeal to the circuit court.

- (2) The bond shall be conditioned that the petitioner will perform the judgment of the circuit court.
- (3) The trial in the circuit court shall be held de novo.
- (b) If aggrieved by the judgment of the circuit court, the petitioner may appeal to the Supreme Court of this state as in other civil cases.
- (c) The bonds shall be approved by the clerk of the court as in other appeals in civil cases.

History. Acts 1951, No. 150, § 2; A.S.A. 1947, § 75-180.2; Acts 2019, No. 910, § 4489.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(1).

SUBCHAPTER 4 — OFFICE OF MOTOR VEHICLE

- SECTION.
- 27-14-402. Head of Office of Motor Vehicle.
 - 27-14-403. Powers and duties.
 - 27-14-404. Organization.
 - 27-14-405. Police authority generally.
 - 27-14-406. Authority to take possession.

- SECTION.
- 27-14-407. Summons of witnesses.
 - 27-14-410. Forms.
 - 27-14-411. Oaths and signatures.
 - 27-14-412. Records.
 - 27-14-414. [Repealed.]

Effective Dates. Acts 2017, No. 1016, § 3: Jan. 1, 2019.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-14-402. Head of Office of Motor Vehicle.

The Office of Motor Vehicle shall be under the control of the Secretary of the Department of Finance and Administration.

History. Acts 1949, No. 142, § 17; A.S.A. 1947, § 75-117; Acts 2017, No. 448, § 4; 2019, No. 910, § 4490.

Amendments. The 2017 amendment rewrote the section heading; and deleted “a civil executive officer to be known as the ‘Commissioner of Motor Vehicles’ who shall be” following “control of”.

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-14-403. Powers and duties.

(a) The Secretary of the Department of Finance and Administration is vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this chapter and of all laws regulating the operation of vehicles or the use of the highways, the enforcement or administration of which is vested in the Office of Motor Vehicle.

(b) The secretary may adopt and enforce such rules as necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the office.

(c) The secretary may adopt an official seal for the use of the office.

History. Acts 1949, No. 142, § 20; A.S.A. 1947, § 75-120; Acts 2017, No. 448, § 4; 2019, No. 910, § 4491.

Amendments. The 2017 amendment deleted "of commissioner" in the section heading; substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" in (a); in (b), substituted "director may" for "commissioner is authorized to" and "rules

as necessary" for "rules and regulations as may be necessary"; and substituted "director" for "commissioner" in (c).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b) and (c).

27-14-404. Organization.

(a) The Secretary of the Department of Finance and Administration shall organize the Office of Motor Vehicle in the manner as he or she may deem necessary and proper to segregate and conduct the work of the Office of Motor Vehicle.

(b) The secretary shall appoint such deputies, subordinate officers, clerks, investigators, and other employees as may be necessary to carry out the provisions of this chapter.

(c) The secretary shall maintain an office in Little Rock, Arkansas, and in such other places in the state as he or she may deem necessary and proper to carry out the powers and duties vested in the Office of Motor Vehicle.

History. Acts 1949, No. 142, §§ 18, 19, 21; A.S.A. 1947, §§ 75-118, 75-119, 75-121; Acts 2017, No. 448, § 4; 2019, No. 910, § 4492.

Amendments. The 2017 amendment substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" in (a); substituted "director" for "commissioner" in (b)

and (c); and substituted "Little Rock, Arkansas," for "the State Capitol" in (c).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b) and (c).

27-14-405. Police authority generally.

The Secretary of the Department of Finance and Administration and the officers and inspectors of the Office of Motor Vehicle designated by the secretary shall have the power:

(1) To inspect any vehicle of a type required to be registered under this chapter in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration of these stolen vehicles;

(2) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(3) To investigate reported thefts of motor vehicles, trailers, and semitrailers.

History. Acts 1949, No. 142, § 30; A.S.A. 1947, § 75-130; Acts 2017, No. 786, § 1; 2019, No. 910, § 4493.

Amendments. The 2017 amendment, in the introductory language, substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" and "designated by the director" for "as he or she shall designate"; deleted former (1) through (3) and reded-

icated the remaining subdivisions accordingly; substituted "of these stolen vehicles" for "thereof" at the end of present (1); and made stylistic changes.

The 2019 amendment, in the introductory language, substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" and "secretary" for "director".

27-14-406. Authority to take possession.

The Office of Motor Vehicle is authorized to take possession of any certificate of title, registration certificate, permit, license, or registration plate issued by the office upon expiration, revocation, cancellation, or suspension, or which is fictitious or has been unlawfully or erroneously issued.

History. Acts 1949, No. 142, § 26; A.S.A. 1947, § 75-126; Acts 2017, No. 786, § 1.

Amendments. The 2017 amendment

deleted (b) and deleted the (a) designation; and substituted "the office" for "it", deleted "thereof" following "suspension", and deleted "which" preceding "has been".

27-14-407. Summons of witnesses.

(a)(1) The Secretary of the Department of Finance and Administration and officers of the Office of Motor Vehicle designated by the secretary shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the office.

(2) The summons may require the production of relevant books, papers, or records.

(b)(1) Every summons shall be served at least five (5) days before the return date, either by personal service made by any person over eighteen (18) years of age or by registered mail, but return acknowledgment is required to prove the latter service.

(2) Failure to obey a summons constitutes a misdemeanor.

(c) Any court of competent jurisdiction shall have jurisdiction, upon application by the secretary, to enforce all lawful orders of the secretary under this section.

History. Acts 1949, No. 142, § 28; A.S.A. 1947, § 75-128; Acts 2017, No. 786, § 1; 2019, No. 910, §§ 4494, 4495.

Amendments. The 2017 amendment, in (a)(1), substituted “Director of the Department of Finance and Administration” for “Commissioner of Motor Vehicles” and “the director” for “him or her”; substituted “constitutes” for “so served shall consti-

tute” in (b)(2); and twice substituted “director” for “commissioner” in (b)(3).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(1); and substituted “secretary” for “director” in (a)(1) and twice in (c).

27-14-410. Forms.

The Secretary of the Department of Finance and Administration shall prescribe and provide suitable forms of applications, certificates of title, registration certificates, and all other forms requisite or necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the Office of Motor Vehicle.

History. Acts 1949, No. 142, § 22; A.S.A. 1947, § 75-122; Acts 2017, No. 448, § 5; 2019, No. 910, § 4496.

Amendments. The 2017 amendment substituted “Director of the Department of Finance and Administration” for “Com-

missioner of Motor Vehicles” and deleted “deemed” following “requisite or”.

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-14-411. Oaths and signatures.

(a) Officers and employees of the Office of Motor Vehicle designated by the Secretary of the Department of Finance and Administration are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures.

(b) Administration of oaths and acknowledgement of signatures under subsection (a) of this section shall be performed without fee.

History. Acts 1949, No. 142, § 23; A.S.A. 1947, § 75-123; Acts 2017, No. 448, § 5; 2019, No. 910, § 4497.

Amendments. The 2017 amendment substituted “Director of the Department of Finance and Administration” for “Commissioner of Motor Vehicles” in (a); and rewrote (b).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

27-14-412. Records.

(a)(1) All records of the Office of Motor Vehicle, other than those declared by law to be confidential for the use of the office, shall be open to public inspection during office hours.

(2) The use of lists or other aggregations of compilations of motor vehicle registration information is restricted to safety recall notification programs involving motor vehicles and motor vehicle equipment, other federal and state agency programs, research and statistics involving motor vehicles in which individual identities are not published, dis-

closed, or for any other purpose authorized by the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq., as it existed on January 1, 2015.

(3) Motor vehicle registration information shall not be sold, furnished, or used for solicitation purposes.

(b)(1) The Secretary of the Department of Finance and Administration and such officers of the office as the secretary may designate are authorized to prepare under the seal of the office and deliver upon request a certified copy of any record of the office or a noncertified electronic copy of any record of the office.

(2) A fee of one dollar (\$1.00) shall be charged for each certified record authenticated.

(3) Every certified copy shall be admissible in any proceeding in any court in like manner as the original.

(4)(A) A party requesting a noncertified electronic record shall execute a written agreement with the Department of Finance and Administration that includes the following provisions:

(i) An acknowledgment that the party requesting a record shall comply with all state and federal limits on the use of those records; and

(ii) An agreement that the party seeking to obtain records shall hold harmless and indemnify the department for any money damages, punitive damages, criminal fines, civil penalties, court costs, and attorney's fees awarded to any person or entity by any state or federal court or by the Arkansas State Claims Commission resulting from any disclosure by the party of motor vehicle information that is contrary to state or federal law.

(B) A fee of not less than twenty dollars and fifty cents (\$20.50) nor more than thirty dollars (\$30.00) per one thousand (1,000) records shall be charged for electronic records.

(c) The secretary may destroy any records of the office that have been maintained on file for five (5) years that the secretary considers obsolete and of no further service in carrying out the powers and duties of the office.

(d) All fees collected under this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(e) The secretary is the official custodian of records of the office.

History. Acts 1949, No. 142, §§ 23, 24; A.S.A. 1947, §§ 75-123, 75-124; Acts 1987, No. 371, § 1; 2015, No. 569, § 1; 2017, No. 448, § 5; 2019, No. 910, §§ 4498, 4499; 2021, No. 732, § 6.

Amendments. The 2017 amendment, in (b)(1), substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" and "director" for "commissioner"; and, in (c),

substituted "director" for "commissioner" and "the director" for "he or she".

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(1); and substituted "secretary" for "director" in (b)(1) and twice in (c).

The 2021 amendment added (e).

27-14-414. [Repealed.]

Publisher's Notes. This section, concerning the Vehicle Insurance Database, was repealed by Acts 2017, No. 1016, § 1,

effective January 1, 2019. The section was derived from Acts 1997, No. 991, § 5.

SUBCHAPTER 5 — COMMISSION FOR RECIPROCAL AGREEMENTS

SECTION.

27-14-501. Creation.

27-14-504. Proportionate refund of registration fees authorized.

SECTION.

27-14-505. Mileage audits and records re-examinations — Appeal.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-501. Creation.

An ex officio commission, composed of the Secretary of the Department of Finance and Administration, who shall serve as chair, the Chair of the State Highway Commission, and the Director of State Highways and Transportation, is established for the purpose of representing the State of Arkansas in the matter of making reciprocal agreements relating to the operation of motor vehicles.

History. Acts 1945, No. 60, § 1; A.S.A. 1947, § 75-250; Acts 1989 (1st Ex. Sess.), No. 153, § 4; 2019, No. 910, § 4500.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-504. Proportionate refund of registration fees authorized.

(a) The Secretary of the Department of Finance and Administration is authorized to refund a proportionate part of the registration fees paid to this state under the provisions of the International Registration Plan which became effective July 1, 1976, under the following conditions:

- (1) The registrant has discontinued operations in the State of Arkansas;
- (2) The vehicle registered has been totally destroyed; or

(3) The registrant has changed his or her operations in Arkansas such that registration under the International Registration Plan would no longer be appropriate in this state.

(b) The refund will be in an amount equal to that proportionate amount of the remaining registration year beginning with the month next following that month in which the secretary is notified that the registrant wishes to cancel his or her registration by surrendering all registration documents and license plates.

(c) The secretary is authorized to promulgate such rules as may be necessary to effectuate the terms of this section.

History. Acts 1977, No. 313, §§ 2-4; A.S.A. 1947, §§ 75-252.1 — 75-252.3; Acts 2019, No. 315, § 3086; 2019, No. 910, §§ 4501, 4502.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (c).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in (b) and (c).

27-14-505. Mileage audits and records reexaminations — Appeal.

(a) As used in this section, “member jurisdiction”, “mileage audit”, “record reexamination”, and “registrant” mean the same as defined in the International Registration Plan, as it existed on January 1, 2017.

(b)(1)(A) A registrant who desires a hearing to appeal the findings of a mileage audit or a record reexamination shall notify the Secretary of the Department of Finance and Administration in writing within thirty (30) calendar days from the date the registrant is notified of the findings of the mileage audit or the record reexamination.

(B) A hearing officer appointed by the secretary shall schedule a hearing in any city in which the Department of Finance and Administration maintains a field audit district office or in any other city that the secretary designates, unless the secretary and the registrant agree to another location for the hearing or agree that the hearing shall be heard by telephone.

(C) A hearing conducted under this section is subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer handling the appeal under this section shall render his or her decision in writing to sustain, modify, or reverse the findings of the mileage audit or the record reexamination based upon the evidence presented at the hearing and shall serve a copy of the decision on the registrant.

(2)(A) If the decision of the hearing officer under this section sustains, in whole or in part, the findings of the mileage audit or record reexamination, the registrant may file suit within thirty (30) days of receipt of the decision in the Pulaski County Circuit Court or the circuit court of the county of the registrant’s principal place of business.

(B) The registrant shall properly serve the secretary with a copy of any appeal to circuit court challenging the decision of the hearing officer under this section.

(3) A registrant may appeal a decision of the circuit court in accordance with the laws governing appeals.

(4)(A) At the conclusion of the appeals process, the secretary shall notify all affected member jurisdictions of the results of the appeal.

(B) Any further challenge to the findings of a mileage audit or record reexamination shall be made under Section 1400 of the International Registration Plan, as it existed on January 1, 2017.

(c) The secretary may promulgate rules to implement this section.

History. Acts 2017, No. 997, § 2; 2019, No. 910, §§ 4503-4506.

A.C.R.C. Notes. Acts 2017, No. 997, § 1, provided: "Legislative findings and intent.

"(a) The General Assembly finds that:

"(1) Arkansas has entered into a reciprocity agreement known as the International Registration Plan, is a member jurisdiction under the International Registration Plan, and is a base jurisdiction under the International Registration Plan, as those terms are understood or defined under the International Registration Plan;

"(2) Article X of the International Registration Plan authorizes and requires the Director of the Department of Finance and Administration to perform mileage audits and reexaminations of the records of registrants to which Arkansas has issued apportioned registration;

"(3) Upon completion of a mileage audit, the director is required to provide a copy of the completed audit to the registrant and to all International Registration Plan member jurisdictions in which the registrant is apportioned or in which the registrant traveled during the audit period;

"(4) Article X of the International Registration Plan permits member jurisdictions to request a reexamination of a reg-

istrant's records within forty-five (45) days of the date a member jurisdiction is notified of the findings of any audit conducted by the director; and

"(5) Article X, Section 1065, of the International Registration Plan requires the director to provide a registrant with a mechanism to appeal the findings of a mileage audit or a record reexamination.

"(b) The General Assembly intends for this act to:

"(1) Ensure the state's compliance with the requirements of the International Registration Plan by establishing a procedure under which an International Registration Plan registrant may appeal the findings of a mileage audit or a record reexamination under the International Registration Plan; and

"(2) Clarify that International Registration Plan registrants may challenge the findings of an International Registration Plan mileage audit or records reexamination under the Arkansas Administrative Procedure Act, § 25-15-201 et seq."

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(1)(A); and substituted "secretary" for "director" throughout (b) and (c).

SUBCHAPTER 6 — REGISTRATION AND LICENSE FEES

SECTION.

27-14-601. Fees for registration and licensing of motor vehicles
— Definitions.

27-14-602. Registration fees.

SECTION.

27-14-603. Fee for special numbered license plates.

27-14-605. Credit if vehicle destroyed.

27-14-606. Disposition.

SECTION.

- 27-14-607. Alternate registration procedures.
- 27-14-608. Payment by credit card.
- 27-14-611. Registration for nonprofit motor vehicle fleets — Definitions.
- 27-14-612. Multiyear personal-use vehicle registration — Definition.
- 27-14-613. Arkansas Motor Carrier System — Definitions.

SECTION.

- 27-14-614. Additional fee for electric vehicles and hybrid vehicles — Definitions — Exception. [Effective until January 1, 2022.]
- 27-14-614. Additional fee for electric vehicles, hybrid vehicles, and plug-in hybrid electric vehicles — Definitions — Exception. [Effective January 1, 2022.]

Effective Dates. Acts 2017, No. 331, § 2: Nov. 13, 2017.

Acts 2017, No. 532, § 10: Mar. 20, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the present system for registering commercial motor vehicles is inconvenient, expensive, unduly time-consuming, and lacks the software capabilities offered by comparable systems in other states to facilitate the registration process electronically. In order to make the Arkansas Motor Carrier System operational on or before January 1, 2018 as required by this act, the Department of Finance and Administration must be authorized to immediately commence planning, programming, and promulgating the necessary rules, regulations, and procedures pertaining to the necessary system enhancements. These enhancements are estimated to take more than six (6) months to complete. Moreover, due to the lack of clarity in current law, commercial motor carriers currently face potential unwarranted liability for acts or omissions involving license plates and registrations. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the

Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 416, § 8: Oct. 1, 2019. Effective date clause provided: "Sections 4-7 of this act are effective on the first day of the calendar quarter following the effective date of this act."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 328, § 2, provided: "This act applies retroactively to October 1, 2019."

Acts 2021, No. 376, § 3: Jan. 1, 2022.

Acts 2021, No. 1093, § 2, provided: "This act applies retroactively to October 1, 2019."

27-14-601. Fees for registration and licensing of motor vehicles — Definitions.

(a) **FEES GENERALLY.** The fee for the registration and licensing of all motor vehicles shall be as follows:

(1) **PLEASURE VEHICLES.** For all automobiles equipped with pneumatic tires, used for the transportation of persons, there shall be charged and collected the following fees based upon the unladen weight of the automobiles:

(A) Class One — Automobiles of 3,000 lbs. or less \$17.00;

(B) Class Two — Automobiles of 3,001 lbs. to and including 4,500 lbs. \$25.00; and

(C) Class Three — Automobiles of 4,501 lbs. and over .. \$30.00;

(2) **AUTOMOBILES FOR HIRE.** For all automobiles for hire which are equipped with pneumatic tires and used for the transportation of persons, there shall be charged and collected the fee applicable thereto as set for pleasure vehicles in subdivision (a)(1) of this section;

(3) **TRUCKS AND TRAILERS.** For all motor trucks, trailers, and semi-trailers including pipe and pole dollies, equipped with pneumatic tires, the license fee shall be charged on the basis of the gross loaded weight of the vehicle as follows:

(A) Class One — All trucks and vans that are rated by the manufacturer as having a nominal tonnage of one (1) ton that are used exclusively for personal transportation and are not used for commercial or business purposes and all trucks and vans that are rated by the manufacturer as having a nominal tonnage of three-quarter ($\frac{3}{4}$) ton or less shall be assessed a license fee of twenty-one dollars (\$21.00) without regard to weight. All one-ton trucks and vans that are used for commercial or business purposes shall be registered in the appropriate class according to gross laden weight;

(B) Class Two — On all vehicles with a gross loaded weight between six thousand one pounds (6,001 lbs.) and twenty thousand pounds (20,000 lbs.), the fee to be charged shall be at the rate of six dollars and fifty cents (\$6.50) per thousand pounds of gross loaded weight of the vehicles;

(C) Class Three — On all vehicles with a gross loaded weight between twenty thousand one pounds (20,001 lbs.) and forty thousand pounds (40,000 lbs.), the fee to be charged shall be at the rate of eight dollars and forty-five cents (\$8.45) per thousand pounds of the gross loaded weight of the vehicles;

(D) Class Four — On all vehicles with a gross loaded weight between forty thousand one pounds (40,001 lbs.) and fifty-six thousand pounds (56,000 lbs.), the fee to be charged shall be at the rate of eleven dollars and five cents (\$11.05) per thousand pounds of gross loaded weight of the vehicles;

(E) Class Five — On all vehicles with a gross loaded weight between fifty-six thousand one pounds (56,001 lbs.) and sixty thousand pounds (60,000 lbs.), the fee to be charged shall be at the rate of

twelve dollars and thirty-five cents (\$12.35) per thousand pounds of gross loaded weight of the vehicles;

(F) Class Six — On all vehicles with a gross loaded weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of thirteen dollars and sixty-five cents (\$13.65) per thousand pounds of gross loaded weight of the vehicles;

(G)(i) Class Seven — On all vehicles with a gross loaded weight between sixty-eight thousand one pounds (68,001 lbs.) and seventy-three thousand two hundred eighty pounds (73,280 lbs.), the fee to be charged shall be at the rate of fourteen dollars and thirty cents (\$14.30) per thousand pounds of gross loaded weight of the vehicles.

(ii)(a) On all vehicles with a gross loaded weight between seventy-three thousand two hundred eighty-one pounds (73,281 lbs.) and eighty thousand pounds (80,000 lbs.), the fee to be charged shall be one thousand three hundred fifty dollars (\$1,350).

(b) In addition to the fee set forth in subdivision (a)(3)(G)(ii)(a) of this section and on all vehicles registered with the International Registration Plan to be engaged in interstate commerce with a gross loaded weight between seventy-three thousand two hundred eighty-one pounds (73,281 lbs.) and eighty thousand pounds (80,000 lbs.), an additional fee to be fifteen percent (15%) of the amount charged in subdivision (a)(3)(G)(ii)(a) of this section;

(H) Class Eight.

(i) In order to aid in the development of the natural resources and to promote agriculture, timber harvesting, and forestry in Arkansas and in order to eliminate apparent inequities in license charges for vehicles using only improved roads and those used primarily on the farm, for timber harvesting or forestry, in the wooded areas, and off the main highway system of this state, a special classification is created to provide a different and more equitable rate for those vehicles used exclusively for the noncommercial hauling of farm or timber products produced in this state and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or the hauling of animal feed by owners of livestock or poultry for consumption in this state by livestock or poultry owned by them and for those vehicles used in the hauling of unfinished and unprocessed forest products and clay minerals and ores originating in Arkansas from the point of severance to a point in the state at which they first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state. Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary, farmers may transport cotton seed from the gin or warehouse to the first point of sale under this special classification. Rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semifinished product other than crushed rock or crushed stone, shall not be construed as clay minerals or ores under the

provisions of this classification. Notwithstanding any provision of this subdivision (a)(3)(H) or any other law to the contrary, persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

(ii) The annual license fees for vehicles classified as either farm or natural resources vehicles shall be as follows:

(a) For a vehicle with two (2) axles, including mini-trucks, a fee of three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars (\$65.00) for each vehicle;

(b) For a vehicle with three (3) axles, a fee of ninety-seven dollars and fifty cents (\$97.50);

(c) For a vehicle with four (4) axles, a fee of one hundred thirty dollars (\$130);

(d) For a vehicle with five (5) axles, a fee of one hundred sixty-two dollars and fifty cents (\$162.50);

(e) For a vehicle with five (5) axles used exclusively by the owner of livestock or poultry in hauling animal feed for consumption in this state by the owner's livestock or poultry, a fee of six hundred fifty dollars (\$650); and

(f) Notwithstanding any of the provisions of this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated separately or in combination with other vehicles, which vehicle or combination has a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight inches (108") and is utilized or intended to be utilized to transport compacted seed cotton, the annual license fee shall be six hundred fifty dollars (\$650). Provided, any full trailer or semitrailer used in combination with the registered vehicle shall also be registered in accordance with and pursuant to the applicable fees set out in subdivision (a)(3)(I) of this section. That portion of the annual license fee established by this subdivision (a)(3)(H)(ii)(f) which equals four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be a permit fee for the use of the public roads and streets of this state by the vehicles while operated separately or in combination with other vehicles due to the unusual design and size of the vehicles or combinations of vehicles.

(iii)(a) The foregoing vehicles shall not exceed the maximum axle load permitted by law.

(b) Five-axle vehicles may haul maximum gross loaded weights of up to eighty thousand pounds (80,000 lbs.) without the purchase of any additional or different type license.

(iv) The Secretary of the Department of Finance and Administration shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate farm license plates to be

established for those vehicles used in the noncommercial hauling of farm products produced in this state, and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or compacted seed cotton and separate natural resources license plates to be established for those vehicles hauling timber products, clay minerals, or ores.

(v)(a) Before any license may be issued for a vehicle designated as either a farm vehicle or a natural resources vehicle, the applicant shall, by affidavit, state that he or she is familiar with the purposes for which the licenses may be used as authorized under this classification and that he or she will not use the vehicle for which application for license is made for any purpose not authorized under this classification. The applicant shall indicate on his or her affidavit whether the vehicle is to be used for the hauling of farm products, animal feed, compacted seed, or cotton or for the hauling of forest products, clay minerals, or ores.

(b) If the applicant is the owner of a mini-truck, then the affidavit shall state that the vehicle is being used exclusively for farm purposes and that the mini-truck meets the other requirements of § 27-14-726.

(vi)(a) Upon submitting an affidavit, any person entitled to obtain a farm license for a motor vehicle used for hauling farm products as authorized under this classification, if the vehicle is required for only seasonal or occasional use, may be issued a farm license for the vehicle for the first six (6) months of the annual licensing period at a rate equal to one-half ($\frac{1}{2}$) of the annual fee but in no event less than sixty-five dollars (\$65.00) or for the last month of the current annual licensing period and the first six (6) months of the subsequent annual licensing period at a rate equal to seven-twelfths ($\frac{7}{12}$) of the annual fee but in no event less than seventy-five dollars (\$75.00).

(b) The secretary shall issue special distinctive license plates or license plate validation decals for the vehicles, including the indication thereon of the expiration date, so as to identify them from annual plates.

(vii) The owner of any motor vehicle who is entitled to obtain a farm license for the motor vehicle for use in hauling farm products as authorized in this subdivision (a)(3)(H) may use the motor vehicle for the hauling of baled cotton from the cotton gin to a cotton compress without the necessity of the payment of additional license fees or the obtaining of additional license plates for the motor vehicle.

(viii) The secretary shall promulgate such rules as may be necessary to carry out the intent of this classification and prevent abuse thereof. However, before any such rules shall be effective, they shall be approved by majority action of the members of the State Highway Commission acting for and in behalf of the Arkansas Highway Police Division of the Arkansas Department of Transportation, which is the agency charged with the principal responsibility of enforcing the motor vehicle license laws of this state.

(ix) Vehicles licensed under this classification for the hauling of farm products only shall be permitted, without payment of additional fees, to transport return loads to the farm or domicile of the owner of the vehicles where the return load contents are the property of, and to be used or consumed by, the owner of the vehicle or his or her family.

(x) If a violation of the natural resources classification as authorized in this subdivision (a)(3)(H) is discovered, a license must immediately be purchased for the vehicle in accordance with the rate of license that should lawfully be required for the vehicle for so moving on the roads and highways of this state. No credit shall be given on the purchase price of the license for any amount or amounts paid for license hitherto purchased for use on the vehicle. This requirement of license purchase shall not be in lieu of any criminal prosecution.

(xi) All affidavits required under the provisions of this subdivision (a)(3)(H) shall be acknowledged by the secretary, his or her authorized agent, or some other person authorized by the laws of this state to administer oaths.

(xii) The owner of a mini-truck under § 27-14-726 may license and register the mini-truck as a Class Eight farm vehicle if the vehicle is used for farm purposes;

(I) Class Nine.

(i)(a) For the purpose of evidencing registration of trailers, semi-trailers, and full trailers, there shall be issued special license plates and annual registration fees charged and collected according to the following schedule:

(1) All trailers drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, which truck has a load capacity of one (1) ton or less, a triennial fee of twenty-one dollars (\$21.00). Provided, however, every owner of a trailer drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, purchased or otherwise acquired on or after January 1, 2002, shall pay thirty-six dollars (\$36.00) for the issuance of a permanent registration that shall remain valid, without renewal, until the owner of the trailer sells or otherwise disposes of the trailer for which the registration is issued. Permanent registration issued under this subdivision (a)(3)(I)(i)(a)(1) shall not be transferred to other owners or other vehicles, and shall not be replaced under § 27-14-602(b)(6). Any owner of a trailer registered under the provisions of this subdivision (a)(3)(I)(i)(a)(1) before January 1, 2002, may, at his or her option, upon expiration of the registration, pay thirty-six dollars (\$36.00) for the issuance of a permanent registration as authorized in this subdivision (a)(3)(I)(i)(a)(1);

(2) All semitrailers used in combination with Class Two — Class Eight trucks, with the exception of those for which a fee is set out in subdivision (a)(3)(I)(i)(a)(1) of this section, a fee of twenty dollars (\$20.00). Provided, however, the owner of any semitrailer used in

combination with Class Two — Class Eight trucks may, at his or her option, pay a fee of sixty-five dollars (\$65.00) for issuance of a permanent registration that shall remain valid, without annual renewal, until he or she sells or otherwise disposes of the semitrailer for which the registration is issued. Permanent registrations issued under this subdivision (a)(3)(I)(i)(a)(2) shall not be transferred to other owners or other vehicles and shall not be replaced under § 27-14-602(b)(6);

(3) Full trailers operated in the transportation of farm products and other natural resources described as Class Eight, a fee of eight dollars (\$8.00); and

(4) For all other full trailers there shall be charged an annual license fee computed on the gross loaded weight of the vehicle at the appropriate rate provided by Class Two — Class Seven of this subdivision (a)(3).

(b) For the purpose of evidencing registration of a combination of truck-trailer and semitrailer classified by subdivision (a)(3)(I)(i)(a)(2), the license fee for the gross weight of the combination shall be computed at the appropriate rate provided by Class Two — Class Eight of this subdivision (a)(3) and shall be applied to the registration of the truck tractor.

(ii)(a) "Gross loaded weight" as used in this section means the weight of the vehicle or vehicles plus the load to be hauled.

(b)(1) If any truck, trailer, or semitrailer, as provided in this section, is at any time found to be operating on the highways of Arkansas with a gross loaded weight in excess of the weight permitted by the license registration thereon, the owner or his or her agent must then and there, before proceeding, pay an additional license fee on the truck, trailer, or semitrailer, or combination, on the basis of one dollar and thirty cents (\$1.30) per one hundred pounds (100 lbs.), or fraction thereof, for the excess weight. For the purpose of ascertaining excess loaded weight on any truck, trailer, semitrailer, or combination thereof, a tolerance of one thousand pounds (1,000 lbs.) over and above the permitted weight, as indicated by the license registration certificate thereof, shall be allowed before the additional license fee required in this subdivision (a)(3)(I)(ii)(b)(1) shall be charged.

(2) It shall be unlawful for any truck to operate on the highways of Arkansas without the license registration card being, at all times, in the possession of the operator thereof. This card shall, at all times, be subject to inspection.

(3) Any truck, trailer, or semitrailer, or combination thereof, on which an additional license fee is paid because of excess weight, as provided in this subdivision (a)(3)(I)(ii)(b), shall be permitted for the remaining portion of the regular license year to operate at the newly established weight limit.

(4) In no event shall any license be issued for a greater weight than that permitted by law governing axle loads; and

(J)(i) The secretary shall cause to be issued special and distinctive license plates for vehicles licensed under Class Two — Class Seven in this section, which are utilized as wreckers or tow vehicles and that hold a permit issued by the Arkansas Towing and Recovery Board under § 27-50-1203 and the rules promulgated thereunder.

(ii) Before any license may be issued for a vehicle designated as a wrecker or tow vehicle, the applicant shall furnish to the secretary a certification from the board that the wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the board.

(iii) Beginning January 1, 2008, every wrecker or tow vehicle permitted by the board shall obtain upon initial registration or at the time of next renewal a distinctive wrecker or tow vehicle license plate.

(iv) In addition to the fee for the respective Class Two — Class Seven license, the secretary may assess a handling and administrative fee in the amount of ten dollars (\$10.00) for each distinctive wrecker or tow vehicle license plate.

(v) A wrecker or tow vehicle licensed pursuant to the International Registration Plan may obtain the distinctive wrecker or tow vehicle license plate to be displayed in addition to any license plate held pursuant to the International Registration Plan;

(4) MOTORCYCLES.

(A) For the registration of motorcycles, there shall be charged and collected a fee of six dollars and fifty cents (\$6.50) per annum.

(B) For the registration of motor-driven cycles, there shall be charged and collected a fee of three dollars and twenty-five cents (\$3.25) per annum.

(C) For the registration of motorcycle sidecars, there shall be charged and collected an additional registration fee of one dollar and ninety-five cents (\$1.95) per annum;

(5) HEARSEs AND AMBULANCES. For the registration of hearses and other funeral cars or ambulances, there shall be charged and collected a fee of forty-five dollars and fifty cents (\$45.50) per annum; and

(6) DEALERS.

(A) A “dealer”, for the purposes of this subdivision (a)(6), means a person, firm, or corporation engaged in the business of buying and selling vehicles subject to registration in this state.

(B)(i) As a condition precedent to obtaining dealer’s license plates, the dealer shall furnish the secretary a certification that the applicant is a vehicle dealer and has a bona fide, established place of business used for the sale of vehicles, an office used for that business, a telephone listed in the name of the business, and a sign identifying the establishment. Certification shall be required for all renewals of dealer license plates. This dealer certification shall not apply to dealers licensed by the Division of Arkansas State Police, the Arkansas Motor Vehicle Commission, or the Arkansas Manufactured Home Commission and who are regulated by those authorities. The dealer certification shall consist of completion of a self-certification form prepared by the Office of Motor Vehicle.

(ii)(a) Except as provided in subdivision (a)(6)(B)(iv) of this section for dealers who sell only all-terrain vehicles, upon furnishing the certification to the secretary, or a copy of the dealer's license from either the Division of Arkansas State Police or the Arkansas Motor Vehicle Commission and the payment of a fee of one hundred dollars (\$100), the dealer shall be issued a master license plate and upon the payment of a fee of twenty-five dollars (\$25.00) shall be issued a dealer's extra license plate as provided in § 27-14-1704. However, the dealer must secure a master license plate for each separate place of business.

(b) No more than one (1) dealer's extra license plate shall be issued for each manager, sales manager, or salesperson of the dealer as authorized under § 27-14-1704, regardless of whether the dealer sells automobiles, motorcycles, or both automobiles and motorcycles.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's master and extra license plates for motorcycles. Motorcycle dealers shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle other than a motorcycle unless the dealer provides proof to the satisfaction of the Office of Motor Vehicle that the dealer is also in the business of selling new or used motor vehicles of the type for which the dealer plate is sought.

(iii)(a) Upon furnishing certification to the secretary or a copy of the dealer's license from the Arkansas Manufactured Home Commission and upon the payment of fifty dollars (\$50.00), the manufactured home dealer shall be issued certification from the secretary for the purpose of assigning manufactured home titles.

(b) Each location shall be treated as a separate entity, and certification by the department shall be required for each location.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's license plates for manufactured homes. Manufactured home dealers shall not be provided and shall not be authorized to use dealer's license plates designed for a motor vehicle, motorcycle, or anything other than a manufactured home.

(iv)(a) Upon furnishing certification to the secretary or a copy of the dealer's license from the Arkansas Motor Vehicle Commission and upon the payment of one hundred dollars (\$100), dealers engaged exclusively in the business of buying and selling all-terrain vehicles, as defined in § 27-21-102, shall be issued certification from the secretary for the purpose of assigning all-terrain vehicle titles.

(b) Each dealer location shall be treated as a separate entity, and certification by the secretary shall be required for each location.

(c) Notwithstanding any other provision of this chapter, all-terrain vehicle dealers that are engaged solely in the business of buying and selling all-terrain vehicles shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle required to be registered for operation on public streets and highways.

(C) When a dealer's master license plate or extra license plate is attached to any dealer-owned motor vehicle, the motor vehicle may be used by the dealer, a manager, a sales manager, or a salesperson employed by the dealership to drive to or from work and for personal or business trips inside or outside the dealer's county of residence.

(D) In addition to any other penalty prescribed by this chapter, any dealer, manager, sales manager, or salesperson of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's master license plate or dealer's extra license plate or of allowing anyone else to misuse a dealer's master license plate or dealer's extra license plate shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

(b) PERIOD COVERED AND EXPIRATION OF REGISTRATION.

(1) On all motor vehicles, except trucks other than Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, the duration and expiration of registration shall be in accord with the provisions of § 27-14-1011, and all fees provided in this section for those motor vehicles shall be due and payable annually as provided therein.

(2)(A) On all trucks except Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, except trailers drawn by automobiles and Class One trucks, the registration shall be valid for twelve (12) months from the month of issuance of registration, and all fees provided in this section for those vehicles shall be due and payable annually during the twelfth month of the registration period.

(B) No person shall have the authority to extend the time for payment of the fees past the period specified in this subdivision (b)(2).

(C) The provisions of this subdivision (b)(2) shall not apply to trailers drawn by automobiles or by Class One trucks.

(D)(i) The secretary shall, upon request, assign the same registration period to any owner of two (2) or more trucks, truck-tractors, trailers, and semitrailers, and combinations thereof, except Class One trucks as defined in § 27-14-1002.

(ii) The secretary shall, upon request, assign a different month of registration other than the vehicle's current month of registration to any owner of a truck, truck-tractor, trailer, and semitrailer, and combinations thereof, except Class One trucks as defined in § 27-14-1002, and all fees shall be prorated accordingly on a monthly basis.

(c) NATURE OF FEES. Each of the fees authorized in this section is declared to be a tax for the privilege of using and operating a vehicle on the public roads and highways of the State of Arkansas.

(d)(1) All taxes, fees, penalties, interest, and other amounts collected under the provisions of this section, except those set forth in subdivision (d)(3) of this section, shall be classified as special revenues and shall be deposited into the State Treasury. After deducting the amount to be

credited to the Constitutional Officers Fund and the State Central Services Fund as provided under the Revenue Stabilization Law, § 19-5-101 et seq., the Treasurer of State shall transfer on the last business day of each month:

(A) Fifteen percent (15%) of the amount thereof to the County Aid Fund;

(B) Fifteen percent (15%) of the amount thereof to the Municipal Aid Fund; and

(C) Seventy percent (70%) of the amount thereof to the State Highway and Transportation Department Fund.

(2) The funds shall be further disbursed in the same manner and used for the same purposes as set out in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(3)(A) The following shall be excepted from the requirements of subdivision (d)(1) of this section:

(i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014;

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section; and

(iii) That portion of the fee declared to be a permit fee and collected under subdivision (a)(3)(H)(ii)(f) of this section.

(B)(i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014, shall be classified as special revenues and shall be deposited into the State Treasury.

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section shall be classified as special revenues and shall be deposited into the State Treasury.

(iii) The Treasurer of State shall transfer on the last business day of each month all money paid under this subdivision (d)(3)(B) to the Commercial Truck Safety and Education Fund to be used to improve the safety of the commercial trucking industry through cooperative public and private programs that focus on increased enforcement, regulatory compliance, industry training, and educational programs to ensure the safe movement of goods on state highways.

(4) That portion of the annual license fee collected pursuant to subdivision (a)(3)(H)(ii)(f) of this section declared to be a permit fee shall be classified as special revenues and shall be deposited into the State Treasury. The Treasurer of State shall transfer on the last business day of each month all of the portions of the annual license fees to the State Highway and Transportation Department Fund to be utilized for the construction, reconstruction, and maintenance of highways and bridges in the state highway system.

(e) PENALTY.

(1) Any person owning a vehicle on which a fee is required to be paid under the terms of this section who shall operate it or permit it to be

operated on a public road in this state without having paid the fee required by this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than double the fee provided for and not more than three thousand dollars (\$3,000).

(2) If the arresting officer is:

(A) An officer of the Division of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by the Administration of Justice Funds Section for deposit into the Division of Arkansas State Police Fund, to be used for the purchase and maintenance of state police vehicles;

(B) An officer of the Arkansas Highway Police Division of the Arkansas Department of Transportation, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by the Administration of Justice Funds Section for deposit into the State Highway and Transportation Department Fund, to be used for the purchase and maintenance of highway police vehicles;

(C) A county law enforcement officer, the fine collected shall be deposited into the county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes; and

(D) A municipal law enforcement officer, the fine collected shall be deposited into that municipality's fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes.

History. Acts 1929, No. 65, § 24; 1931, No. 237, § 1; 1933, No. 6, § 1; 1933, No. 36, §§ 1, 2; 1933, No. 44, § 1; 1933, No. 51, § 1; 1934 (2nd Ex. Sess.), No. 11, §§ 31-33; Pope's Dig., §§ 6615, 11270-11272; Acts 1941, No. 377, § 1; 1943, No. 205, § 1; 1949, No. 235, §§ 1, 8; 1951, No. 59, § 1; 1951, No. 78, § 1; 1953, No. 377, § 1; 1959, No. 462, § 2; 1963, No. 142, § 1; 1965, No. 493, § 8; 1965 (1st Ex. Sess.), No. 42, § 1; 1967, No. 21, § 1; 1967, No. 82, § 1; 1967, No. 452, § 1; 1971, No. 181, § 1; 1971, No. 348, § 1; 1971, No. 469, § 1; 1975, No. 194, § 1; 1975 (Extended Sess., 1976), No. 1235, §§ 1, 2; 1979, No. 440, §§ 1, 5; 1979, No. 671, §§ 23, 24; 1981, No. 63, §§ 1, 2; 1981, No. 692, §§ 1, 2; 1981, No. 797, § 1; 1983, No. 890, § 1; 1985, No. 415, § 2; 1985, No. 893, § 1; 1985, No. 1006, § 1; A.S.A. 1947, §§ 75-201, 75-201.7; Acts 1987, No. 145, § 1; 1987, No. 537, § 1; 1987, No. 945, § 5; 1989, No. 103, § 1; 1991, No. 96, §§ 1, 2; 1991, No. 219, §§ 1, 2, 6; 1992 (1st Ex. Sess.), No. 68, §§ 1, 2; 1992 (1st Ex. Sess.), No. 69, §§ 1, 2; 1993, No. 490, §§ 14, 15; 1993, No. 905, § 1; 1995, No. 357, § 5; 1995, No. 389, §§ 1, 2; 1997, No. 297, § 1; 1997, No. 809, § 1; 1997, No. 1047, § 1; 1999, No. 385, § 1; 1999, No. 1443, § 1; 2001, No. 330, § 1; 2001, No. 923, §§ 1, 2; 2001, No. 1431, § 1; 2003, No. 343, § 1; 2003, No. 361, § 1; 2003, No. 463, §§ 1, 2; 2003, No. 833, §§ 1, 2; 2005, No. 1929, § 1; 2005, No. 1934, § 17; 2005, No. 1950, § 1; 2007, No. 347, §§ 1, 2; 2007, No. 1412, § 5; 2009, No. 146, § 1; 2013, No. 1176, §§ 3, 4; 2017, No. 707, §§ 322, 323; 2019, No. 315, §§ 3087, 3088; 2019, No. 910, §§ 4507-4516; 2021, No. 484, § 1.

Amendments. The 2017 amendment

substituted “Department of Transportation” for “State Highway and Transportation Department” in (a)(3)(H)(viii) and (e)(2)(B).

The 2019 amendment by No. 315, in (a)(3)(H)(viii), deleted “and regulations” following “rules” in the first sentence and deleted “or regulations” following “rules” in the second sentence; and deleted “and regulations” following “rules” in (a)(3)(J)(i).

The 2019 amendment by No. 910 substituted “Secretary of the Department of

Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(3)(H)(iv); substituted “secretary” for “director” throughout (a) and (b); and substituted “Division of Arkansas State Police” for “Department of Arkansas State Police” in (a)(6)(B)(i) and (a)(6)(B)(ii)(a).

The 2021 amendment inserted “loaded” preceding “weight between” in (a)(3)(D).

27-14-602. Registration fees.

(a) Except as otherwise provided, all fees shall be paid to the Office of Motor Vehicle for the registration of motor vehicles, trailers, and semitrailers under this chapter.

(b) The following fees shall be charged under this chapter by the Office of Motor Vehicle:

- (1) For each certificate of title \$2.00
- (2) For each duplicate certificate of title 2.00
- (3) For noting each lien50
- (4) For transfer of registration 1.00
- (5) For duplicate or substitute registration certificate 1.00
- (6) For duplicate or substitute license plate 1.00

(c) Beginning January 1, 2018, in addition to any other fees authorized under this chapter, the Secretary of the Department of Finance and Administration shall charge a fee for commercial motor vehicles registered with the International Registration Plan in the amount of:

(1) Two dollars (\$2.00) to access the secretary’s portal to register one (1) or more commercial motor vehicles or to conduct one (1) or more online administrative transactions;

(2) Two dollars (\$2.00) upon issuance or renewal of the registration of a commercial motor vehicle of a commercial motor carrier that has been authorized under § 27-14-613(b)(1)(C) to display an approved license plate decal bearing the commercial motor vehicle carrier’s logo; and

(3) Five dollars (\$5.00) for each commercial motor vehicle registered in this state as an annual commercial motor vehicle fee.

History. Acts 1949, No. 142, §§ 82, 83; 1965, No. 493, § 2; A.S.A. 1947, §§ 75-182, 75-183; Acts 2011, No. 718, § 1; 2017, No. 448, § 6; 2017, No. 532, § 5; 2019, No. 910, §§ 4517, 4518.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: “Legislative findings. The General Assembly finds that:

“(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the

registration process for commercial motor vehicles;

“(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

“(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles

that are registered with the International Registration Plan;

"(4) The law needs to be clarified to verify that license plates for commercial motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

"(5) An enhancement creating an on-line system for administrative transactions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

"(6) Enhancements to the Arkansas Motor Carrier System will make available to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

"(7) Directing the department to develop rules, regulations, and procedures to

implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state's goal of improving services and modernizing the Arkansas Motor Carrier System."

Amendments. The 2017 amendment by No. 448 substituted "Office of Motor Vehicle" for "Commissioner of Motor Vehicles" in the introductory language of (b).

The 2017 amendment by No. 532 added (c).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language of (c); and substituted "secretary's" for "director's" in (c)(1).

27-14-603. Fee for special numbered license plates.

(a) There is levied a service fee of five dollars (\$5.00) to be added to the regular fee imposed for motor vehicle license plates collected by the Office of Motor Vehicle in all instances in which a special number is reserved for any motor vehicle license plate applicant.

(b) These fees shall be treated as regular license fees and deposited accordingly as provided by law.

History. Acts 1953, No. 113, § 1; A.S.A. 1947, § 75-201.1; Acts 2017, No. 448, § 6.

Amendments. The 2017 amendment,

in (a), substituted "Office of Motor Vehicle" for "Commissioner of Motor Vehicles" and "in which" for "where".

27-14-605. Credit if vehicle destroyed.

Upon satisfactory proof to the Secretary of the Department of Finance and Administration that any motor vehicle, duly licensed, has been completely destroyed by fire or collision, the owner of the vehicle may be allowed, on the purchase of a new license for another vehicle, a credit equivalent to the unexpired portion of the cost of the original license, dating from the first day of the next month after the date of the destruction.

History. Acts 1939, No. 386, § 23; A.S.A. 1947, § 75-260; Acts 2019, No. 910, § 4519.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-606. Disposition.

(a)(1) Fifty percent (50%) of the fees collected under § 27-14-602(b)(1) and (2) and one hundred percent (100%) of the fees collected under § 27-14-602(b)(3)-(6) shall be:

(A) Deposited into the 1995 New Revenue Division Building Fund as cash funds; and

(B) Used for the repayment of bonds that may be issued by or for the benefit of the Arkansas Revenue Department Building Commission under the 1995 New Revenue Division Building Act.

(2) Fifty percent (50%) of the fees collected under § 27-14-602(b)(1) and (2) shall be:

(A) Deposited into the State Treasury as trust funds and credited to the State Police Retirement Fund; and

(B) Used for the State Police Retirement System for the Division of Arkansas State Police.

(3) At least nine hundred twenty thousand dollars (\$920,000) of the fees collected under subdivision (a)(1) of this section shall first be distributed to the 1995 New Revenue Division Building Fund and the commission under the 1995 New Revenue Division Building Act before distribution of the fees as provided under subdivision (a)(2) of this section.

(4) The fees collected under § 27-14-602(c) shall be deposited into the Commercial Driver License Fund to be used for enhancements to the Arkansas Motor Carrier System.

(b) All fees collected by the circuit clerk and recorder as required by this chapter shall not be affected by the provisions of this section.

History. Acts 1949, No. 142, § 85; 1965, No. 493, § 3; A.S.A. 1947, § 75-185; Acts 1995, No. 725, § 7; 2011, No. 718, § 3; 2017, No. 532, § 6.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the registration process for commercial motor vehicles;

"(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

"(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles that are registered with the International Registration Plan;

"(4) The law needs to be clarified to verify that license plates for commercial

motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

"(5) An enhancement creating an online system for administrative transactions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

"(6) Enhancements to the Arkansas Motor Carrier System will make available to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

"(7) Directing the department to develop rules, regulations, and procedures to implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state's goal of improving services and modernizing the Arkansas Motor Carrier System."

Amendments. The 2017 amendment added (a)(4).

27-14-607. Alternate registration procedures.

(a) The Secretary of the Department of Finance and Administration is authorized to allow vehicles to be registered for a renewal period of two (2) years, if the secretary determines that the two-year renewal period would facilitate the vehicle registration process. If a vehicle registration is renewed for a two-year period, the renewal fee shall be two (2) times the annual renewal fee for that vehicle, plus the cost of the annual license plate validation decal for both years for that vehicle.

(b) The secretary is authorized to provide for the registration of vehicles by mail, telephone, electronically, or any other method which the secretary determines would facilitate the vehicle registration process.

History. Acts 1997, No. 974, § 15; 2019, No. 910, § 4520.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in the first sentence of (a); and substituted "secretary" for "director" throughout the section.

27-14-608. Payment by credit card.

(a) The Secretary of the Department of Finance and Administration is authorized to promulgate rules providing for payment by credit card of any fees or taxes due upon the issuance or renewal of a vehicle registration, except a vehicle registration issued or renewed under the provisions of § 27-14-601(a)(3)(B)-(H) or the provisions of § 27-14-601(a)(3)(I)(i)(a)(2)-(4). The secretary may allow the payment of these fees or taxes by credit card if the secretary determines that payment by credit card would facilitate the administration of the motor vehicle registration program.

(b) The secretary is authorized to enter into contracts with credit card companies and to pay fees normally charged by those companies for allowing the use of their credit cards as authorized by this section.

(c)(1) From the net proceeds received, or receivable, from credit card companies for all fees or taxes paid by credit card, the secretary shall pay the full sum specified in § 27-14-1015(d)(1) to the Arkansas Development Finance Authority. The balance of the net proceeds received, or receivable, from credit card companies shall be prorated to the various funds for which they were collected and deposited into the State Treasury for transfer on the last business day of each month, in the same manner and to be used for the same purposes as all other fees and taxes collected upon the issuance or renewal of vehicle registrations.

(2) Any amounts deducted from the gross proceeds of vehicle registration fees or taxes paid by credit card, which are deducted for the purpose of paying credit card company fees, shall be cash funds not subject to appropriation and, if withheld by the secretary, shall be remitted by the secretary to credit card companies as required under contracts authorized by this section.

History. Acts 1997, No. 974, § 16; 2019, No. 315, § 3089; 2019, No. 910, § 4521.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in the first sentence of (a).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” throughout the section.

27-14-611. Registration for nonprofit motor vehicle fleets — Definitions.

(a) As used in this section:

(1) “Fleet of motor vehicles” means at least twenty-five (25) motor vehicles that are owned or leased by an organization and used for the organization’s purposes; and

(2) “Organization” means a nonprofit organization or its affiliate that:

(A) Has been approved for tax exempt status under the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as in effect on January 1, 2011; and

(B) Is eligible to participate in the federal transit grant programs administered through the Arkansas Department of Transportation.

(b)(1) An organization may apply to the Office of Motor Vehicle for the registration and licensing of its fleet of motor vehicles as provided under this section.

(2) The license plate issued under this section shall be the standard license plate for the class and type of vehicle otherwise required under this chapter and may be transferred to another motor vehicle of the same class and type owned by the same organization.

(c)(1) The registration and renewal fees shall be the same amount and shall be distributed in the same manner as the fees otherwise required for the class and type of vehicle being registered.

(2) Registration and renewal fee payments shall be paid in advance for either a period of two (2) or three (3) years.

(3) The registration and renewal fee payments are due and payable during the last month of the last year of the registration period.

(4) The organization may choose the month in which renewals occur.

(d)(1) Except as provided in subdivision (d)(2) of this section, in addition to the registration fees prescribed for issuance, an initial fleet management fee of ten dollars (\$10.00) per motor vehicle shall be charged for the first year of registration as a fleet vehicle.

(2) The initial fleet management fee for a fleet of motor vehicles shall not exceed five hundred dollars (\$500).

(3) The initial fleet management fee shall be deposited as special revenues into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(e) For each motor vehicle registration or renewal, the organization shall provide the documents that the office requires.

(f)(1) The office may adopt rules for the implementation, administration, and enforcement of this section.

(2) If the Secretary of the Department of Finance and Administration determines that online renewals are available under this section, the organization may be allowed to renew online.

History. Acts 2011, No. 192, § 1; 2017, No. 707, § 324; 2019, No. 910, § 4522.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department” in (a)(2)(B).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (f)(2).

27-14-612. Multiyear personal-use vehicle registration — Definition.

(a) As used in this section, “personal-use vehicle” means:

- (1) A pleasure vehicle, including a motor home, registered under § 27-14-601(a)(1);
- (2) A Class One truck or van registered under § 27-14-601(a)(3)(A);
- (3) A motorcycle registered under § 27-14-601(a)(4); or
- (4) An autocycle registered under § 27-20-304.

(b) The Office of Motor Vehicle shall offer a multiyear personal-use vehicle registration as provided under this section.

(c) The owner of a personal-use vehicle, who has owned the personal-use vehicle for a twelve-month renewal period following initial registration by the owner, may request a multiyear personal-use vehicle registration for a period of two (2) or three (3) years by providing the following information to the office with the application:

(1) All information necessary for the registration and licensing of the personal-use vehicle under law to include:

(A) Proof of current insurance coverage on the personal-use vehicle to be registered as required under § 27-13-102;

(B) Proof of payment of personal property taxes; and

(C) Proof of listing the personal-use vehicle for assessment;

(2) Proof that property taxes on the personal-use vehicle to be registered have been timely paid by the applicant; and

(3) Payment of the fees for registration and licensing for:

(A) Two (2) years, if the registration is for a period of two (2) years; and

(B) Three (3) years, if the registration is for a period of three (3) years.

(d) The office may promulgate rules for the administration of this section.

History. Acts 2011, No. 904, § 2; 2013, No. 437, § 1; 2017, No. 331, § 1.

Amendments. The 2017 amendment redesignated former (a) as the introductory language of (a), (a)(1), and (a)(2);

inserted “including a motor home” in (a)(1); inserted “registered” in (a)(2); and added (a)(3) and (a)(4).

Effective Dates. Acts 2017, No. 331, § 2: Nov. 13, 2017.

27-14-613. Arkansas Motor Carrier System — Definitions.

(a) As used in this section:

(1) “Commercial motor carrier” means a person or entity engaged directly or indirectly through an agent, employee, or subcontractor in the interstate transportation of property by a commercial motor vehicle; and

(2) “Commercial motor vehicle” means a truck, truck trailer, trailer, semitrailer, or pole trailer registered with the International Registration Plan.

(b)(1) The Secretary of the Department of Finance and Administration shall promulgate rules and procedures to enhance the Arkansas Motor Carrier System developed by the Department of Finance and Administration by allowing:

(A) A commercial motor carrier or its designee to conduct routine administrative transactions electronically, including without limitation the online:

(i) Registration of a commercial motor vehicle;

(ii) Renewal, transfer, replacement, and amendment of the registration of a commercial motor vehicle; and

(iii) Issuance and replacement of a commercial motor vehicle’s license plates and decals;

(B) A commercial motor carrier or its designee to instantaneously print the registration card for a commercial motor vehicle;

(C) A commercial motor carrier or its designee to obtain and affix to a commercial motor vehicle license plate a decal bearing the logo of the commercial motor carrier approved by the secretary or the secretary’s designee; and

(D) A commercial motor carrier or its designee to maintain license plate inventories and issue license plates; and

(2)(A) A commercial motor carrier shall have thirty (30) days from the date of online commercial motor vehicle registration to submit to the department all required source documents associated with the registration.

(B) If the department has not received the source documents required under subdivision (b)(2)(A) of this section within thirty (30) days of the online registration of a commercial motor vehicle, the secretary or the secretary’s designee may suspend the registration.

(c) The secretary shall study, develop, and implement improvements to the Arkansas Motor Carrier System in order to modernize and enhance the Arkansas Motor Carrier System and accommodate the latest available technology for commercial motor carriers seeking to register commercial motor vehicles in the State of Arkansas.

History. Acts 2017, No. 532, § 7; 2019, No. 315, § 3090; 2019, No. 910, §§ 4523-4526.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: “Legislative findings. The General Assembly finds that:

“(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the registration process for commercial motor vehicles;

"(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

"(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles that are registered with the International Registration Plan;

"(4) The law needs to be clarified to verify that license plates for commercial motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

"(5) An enhancement creating an online system for administrative transactions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

"(6) Enhancements to the Arkansas Motor Carrier System will make available

to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

"(7) Directing the department to develop rules, regulations, and procedures to implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state's goal of improving services and modernizing the Arkansas Motor Carrier System."

Amendments. The 2019 amendment by No. 315 deleted "regulations" following "rules" in the introductory language of (b)(1).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language of (b)(1); and substituted "secretary" for "director" throughout (b) and (c).

27-14-614. Additional fee for electric vehicles and hybrid vehicles — Definitions — Exception. [Effective until January 1, 2022.]

(a) As used in this section:

(1)(A) "Electric vehicle" means a vehicle that:

(i) Is propelled by an electric motor powered by a battery or other electrical device incorporated into the vehicle; and

(ii) Is not propelled by an internal combustion engine.

(B) "Electric vehicle" does not include:

(i) A golf cart;

(ii) A low-speed vehicle;

(iii) An electric motorcycle; or

(iv) A hybrid motorcycle;

(2)(A) "Hybrid vehicle" means a vehicle that draws propulsion energy from both an internal combustion engine and an energy storage device.

(B) "Hybrid vehicle" does not include:

(i) A golf cart;

(ii) A low-speed vehicle;

(iii) An electric motorcycle; or

(iv) A hybrid motorcycle; and

(3) "Low-speed vehicle" means a four-wheeled vehicle with a:

(A) Gross vehicle weight rating of less than three thousand pounds (3,000 lbs.); and

(B) Maximum speed capability of thirty-five miles per hour (35 m.p.h.) on a paved level surface.

(b) Except as provided in subsection (d) of this section and in addition to the other fees required to be paid to register a vehicle under this subchapter, there is levied an annual fee of:

(1) Two hundred dollars (\$200) for each electric vehicle registered; and

(2) One hundred dollars (\$100) for each hybrid vehicle registered.

(c) The revenues collected under this section are special revenues and shall be distributed to the State Highway and Transportation Department Fund.

(d) The fees levied by this section do not apply to an electric vehicle or a hybrid vehicle that is registered for a special license plate or a special license plate with a permanent decal under § 27-24-201 et seq.

History. Acts 2019, No. 416, § 7; 2021, No. 328, § 1; 2021, No. 1093, § 1.

A.C.R.C. Notes. Acts 2019, No. 416, § 1, provided: “Legislative findings and intent.

“(a) The General Assembly finds that additional revenue will be available to the state resulting from anticipated savings generated by the transformation of state government, the creation of cabinet positions, and other reductions in state government, and from the growth of casino gambling resulting from the adoption of The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100.

“(b) The General Assembly intends to use a portion of the anticipated savings described in subsection (a) of this section to make additional revenues available for use in maintaining and repairing public highways, streets, and bridges in the state.”

Publisher’s Notes. Acts 2021, No.

1093, § 1 specifically amended this section as amended by Acts 2021, No. 328, § 1.

For text of section effective January 1, 2022, see the following version.

Amendments. The 2021 amendment by No. 328 added “Exception” in the section heading; added “Except as provided in subsection (d) of this section and in” in (b); and added (d).

The 2021 amendment by No. 1093, added (a)(1)(B), (a)(2)(B), and (a)(3).

Effective Dates. Acts 2019, No. 416, § 8: Oct. 1, 2019. Effective date clause provided: “Sections 4-7 of this act are effective on the first day of the calendar quarter following the effective date of this act.”

Acts 2021, No. 328, § 2, provided: “This act applies retroactively to October 1, 2019.”

Acts 2021, No. 1093, § 2, provided: “This act applies retroactively to October 1, 2019.”

27-14-614. Additional fee for electric vehicles, hybrid vehicles, and plug-in hybrid electric vehicles — Definitions — Exception. [Effective January 1, 2022.]

(a) As used in this section:

(1)(A) “Electric vehicle” means a vehicle that:

(i) Is propelled by an electric motor powered by a battery or other electrical device incorporated into the vehicle; and

(ii) Is not propelled by an internal combustion engine.

(B) “Electric vehicle” includes a plug-in electric vehicle.

(C) “Electric vehicle” does not include:

(i) A golf cart;

(ii) A low-speed vehicle;

(iii) An electric motorcycle; or

(iv) A hybrid motorcycle;

(2)(A) “Hybrid vehicle” means a vehicle that draws propulsion energy from both an internal combustion engine and an energy storage device.

(B) “Hybrid vehicle” does not include:

- (i) A golf cart;
- (ii) A low-speed vehicle;
- (iii) An electric motorcycle; or
- (iv) A hybrid motorcycle;

(3) “Low-speed vehicle” means a four-wheeled vehicle with a:

(A) Gross vehicle weight rating of less than three thousand pounds (3,000 lbs.); and

(B) Maximum speed capability of thirty-five miles per hour (35 m.p.h.) on a paved level surface; and

(4) “Plug-in hybrid electric vehicle” means a vehicle with a hybrid propulsion system that is propelled by a combination of:

(A) Electricity supplied through a rechargeable battery that can be recharged by plugging into an electrical outlet or electric vehicle charging station; and

(B) An internal combustion engine.

(b) Except as provided in subsection (d) of this section and in addition to the other fees required to be paid to register a vehicle under this subchapter, there is levied an annual fee of:

- (1) Two hundred dollars (\$200) for each electric vehicle registered;
- (2) Fifty dollars (\$50.00) for each hybrid vehicle registered; and
- (3) One hundred dollars (\$100) for each plug-in hybrid electric vehicle registered.

(c) The revenues collected under this section are special revenues and shall be distributed to the State Highway and Transportation Department Fund.

(d) The fees levied by this section do not apply to an electric vehicle or a hybrid vehicle that is registered for a special license plate or a special license plate with a permanent decal under § 27-24-201 et seq.

History. Acts 2019, No. 416, § 7; 2021, No. 328, § 1; 2021, No. 376, § 2; 2021, No. 1093, § 1.

A.C.R.C. Notes. Acts 2019, No. 416, § 1, provided: “Legislative findings and intent.

“(a) The General Assembly finds that additional revenue will be available to the state resulting from anticipated savings generated by the transformation of state government, the creation of cabinet positions, and other reductions in state government, and from the growth of casino gambling resulting from the adoption of The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution,

Amendment 100.

“(b) The General Assembly intends to use a portion of the anticipated savings described in subsection (a) of this section to make additional revenues available for use in maintaining and repairing public highways, streets, and bridges in the state.”

Publisher’s Notes. Acts 2021, No. 1093, § 1 specifically amended this section as amended by Acts 2021, No. 328, § 1.

For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2021 amendment by No. 328 added “Exception” in the sec-

tion heading; added “Except as provided in subsection (d) of this section and in” in (b); and added (d).

The 2021 amendment by No. 376 inserted “plug-in hybrid electric vehicles” in the section heading; added (a)(1)(B) and redesignated former (a)(1) as (a)(1)(A); redesignated former (a)(1)(A) and (B) as (a)(1)(A)(i) and (ii); added (a)(4); substituted “Fifty dollars (\$50.00)” for “One hundred dollars (\$100)” in (b)(2); and added (b)(3).

The 2021 amendment by No. 1093, added (a)(1)(B) [now (a)(1)(C)], (a)(2)(B), and (a)(3).

Effective Dates. Acts 2019, No. 416, § 8: Oct. 1, 2019. Effective date clause provided: “Sections 4-7 of this act are effective on the first day of the calendar quarter following the effective date of this act.”

Acts 2021, No. 328, § 2, provided: “This act applies retroactively to October 1, 2019.”

Acts 2021, No. 376, § 3: Jan. 1, 2022.

Acts 2021, No. 1093, § 2, provided: “This act applies retroactively to October 1, 2019.”

SUBCHAPTER 7 — REGISTRATION AND CERTIFICATES OF TITLE

SECTION.

- 27-14-701. Requirements — Exception.
- 27-14-702. No other license required.
- 27-14-703. Vehicles subject to registration — Exceptions.
- 27-14-704. Motor vehicles registered in foreign states.
- 27-14-705. Application for registration and certificate of title — Definitions.
- 27-14-709. Half-year license.
- 27-14-713. Issuance of registration certificates and certificates of title.

SECTION.

- 27-14-716. Display of license plates generally.
- 27-14-721. Assignment of new identifying numbers.
- 27-14-722. Change of engines.
- 27-14-726. Mini-trucks — Definitions.
- 27-14-727. Certificate of title with beneficiary — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-14-701. Requirements — Exception.

(a) It shall be a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway, any vehicle of a type required to be registered under this chapter which is not registered within the time period prescribed by law, or for which a certificate of title has not been issued or applied for within the time

period prescribed by law, or for which the appropriate fee has not been paid when and as required under this chapter.

(b) When an application accompanied by the proper fee has been made for registration and certificate of title for a vehicle, the vehicle may be operated temporarily pending complete registration upon displaying a duplicate application, duly verified, or other evidence of the application or otherwise under rules promulgated by the Secretary of the Department of Finance and Administration.

(c) The purchaser of any new or used motor vehicle may operate the vehicle upon the public highways prior to making application for or obtaining registration thereof, if the person carries in the vehicle at all times a title to the vehicle which is assigned to the purchaser or a notarized bill of sale evidencing the transfer of the vehicle to the purchaser.

History. Acts 1949, No. 142, § 31; 1983, No. 252, § 1; A.S.A. 1947, § 75-131; Acts 2017, No. 448, § 7; 2019, No. 315, § 3091; 2019, No. 910, § 4527.

Amendments. The 2017 amendment, in (b), substituted “Director of the Department of Finance and Administration” for “Commissioner of Motor Vehicles”, and made stylistic changes.

The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (b).

27-14-702. No other license required.

(a) No owner of a motor vehicle who shall have obtained a certificate from the Secretary of the Department of Finance and Administration as provided in this subchapter shall be required to obtain any other license or permits to use and operate the motor vehicle; nor shall the owner be required to display upon his or her motor vehicle any other number than the number of the registration issued by the secretary, or excluded, or prohibited, or limited in the free use of the motor vehicle upon any public street, avenue, road, turnpike, driveway, parkway, or any other public place, at any time when it is open to the use of persons having or using other vehicles; nor shall the owner be required to comply with other provisions or conditions as to the use of motor vehicles, except as provided in this chapter.

(b) Motor vehicles may be excluded from any cemetery or grounds used for the burial of the dead by the authorities having jurisdiction over the cemetery or grounds.

(c) Nothing contained in this section shall be construed to affect the power of municipal corporations to make and enforce ordinances, rules, and regulations affecting motor vehicles which are used within their limits for public hire.

History. Acts 1911, No. 134, § 13; C. & M. Dig., § 7429; Pope’s Dig., § 6641; A.S.A. 1947, § 75-237; Acts 2019, No. 910, § 4528.

Amendments. The 2019 amendment, in (a), substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance

and Administration" and "secretary" for "director".

27-14-703. Vehicles subject to registration — Exceptions.

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway and every mobile home shall be subject to the provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the Office of Motor Vehicle as authorized in § 27-14-708;

(2) Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one (1) property to another;

(3)(A) Any implement of husbandry that is only incidentally operated or moved upon a highway whether or not it is subject to registration under this chapter.

(B) Incidental use may be established by an affidavit of the owner of the implement of husbandry submitted to the Department of Finance and Administration along with payment of the gross receipts or use tax imposed on the implement of husbandry when the owner applies for and receives a certificate of title to the implement of husbandry.

(C) The transportation of logs or timber upon a highway from the point of severance to a point in this state at which the logs or timber first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state shall not be incidental operation of the implement of husbandry upon a highway.

(D) An affidavit to establish incidental use is not required if the implement of husbandry was originally manufactured as an implement of husbandry;

(4) Any special mobile equipment as defined in § 27-14-104;

(5) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires, though not operated upon rails;

(6) Manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603; and

(7) No certificates of title need be obtained for any vehicle of a type subject to registration owned by the federal government.

History. Acts 1949, No. 142, § 32; 1973, No. 596, § 2; A.S.A. 1947, § 75-132; Acts 2005, No. 1991, § 2; 2019, No. 394, § 1.

Amendments. The 2019 amendment substituted "27-14-104" for "27-14-211" in (4).

27-14-704. Motor vehicles registered in foreign states.

(a) Any motor vehicle or motorcycle belonging to any person who is a nonresident of this state who has registered the motor vehicle or motorcycle in and who has complied with all the laws of the state,

territory, District of Columbia, or any province or territory of Canada in which the owner resides with respect to the registration of motor vehicles and the display of registration numbers and who shall conspicuously display the registration number as required may be operated in this state as follows:

(1) If the motor vehicle is operated for the sole purpose of marketing farm products raised exclusively by the owner or other growers of the products associated with the owner in the raising of the farm products;

(2) A privately owned and duly registered motor vehicle not operated for hire but for the purpose of going to and from the owner's place of regular employment and the making of trips for the purchasing of goods, wares, and merchandise if the owner lives outside of this state;

(3)(A) Any motor vehicle operated by a nonresident only making an occasional trip into this state shall have the right to make an occasional trip without the payment of any motor vehicle license fee to this state, if the motor vehicle is not operated for hire.

(B) The Secretary of the Department of Finance and Administration may issue temporary permits without payment of license fees for motor vehicles operated for hire by a nonresident into and across the highways of this state when the vehicles are operated upon charters for casual, irregular, occasional, and nonscheduled sightseeing trips; and

(4) The secretary is authorized and empowered to enter into any agreement or issue any permit for the operation of any motor vehicles upon the highways of this state without payment of license fees when the vehicles are operated under and by the supervision of the proper authorities of the United States Army, United States Air Force, United States Navy, or United States Marine Corps during any period of emergency.

(b) The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, territory, District of Columbia, or any province or territory of Canada, or other place of residence of the nonresident owner, like exemptions are granted to vehicles registered under the laws of, and owned by, residents of this state.

History. Acts 1931, No. 246, §§ 1, 2; Pope's Dig., §§ 6633, 6634; Acts 1941, No. 392, § 1; 1943, No. 143, § 1; A.S.A. 1947, §§ 75-238, 75-239; Acts 1993, No. 445, § 41; 2003, No. 832, § 1; 2019, No. 910, §§ 4529, 4530.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(3)(B); and substituted "secretary" for "director" in (a)(4).

27-14-705. Application for registration and certificate of title — Definitions.

(a)(1) Every owner of a vehicle subject to the registration under this chapter shall make application to the Office of Motor Vehicle for the registration of the vehicle and issuance of a certificate of title or a

certificate of title with beneficiary under § 27-14-727 for the vehicle upon the appropriate forms furnished by the office.

(2) Every application shall bear the signature of the owner, written with pen and ink, unless the person is unable to write, in which case he or she affixes his or her mark, "X", which must be witnessed by a person other than the office employee, and the signature shall be acknowledged by the owner before a person authorized to administer oaths.

(b) The application shall contain:

(1) The name, bona fide residence, and mailing address of the owner or business address of the owner if a firm, association, or corporation;

(2)(A) A description of the vehicle, including, insofar as the data specified in this subsection may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle designated to identify vehicles for registration purposes, and whether new or used, and if a new vehicle, a certificate of origin.

(B)(i) Except as provided under § 27-14-726, the certificate of origin shall be furnished to the dealer by the manufacturer and shall accompany the application for license and title.

(ii) Except as provided under § 27-14-726, no license for the operation of the vehicle shall be granted and no certificate of title shall be issued unless the certificate of origin is made a part of the application.

(C) The certificate of origin shall be on a form to be prescribed by the Secretary of the Department of Finance and Administration.

(D) In the event a vehicle is designed, constructed, converted, or rebuilt for the transportation of property, the application shall include a statement of its capacity in terms of maximum gross vehicle weight rating as authorized by the manufacturer of the chassis or the complete vehicle;

(3) A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having any interest therein and the nature of every such interest and the name and address of the person to whom the certificate of title shall be delivered by the office;

(4)(A) Further information as may reasonably be required by the office to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

(B) When the application refers to a new vehicle purchased from a dealer, the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer and a fee of fifty cents (50¢) in addition to the title.

(C) For the purposes of this section:

(i) The words "new vehicle" shall be defined as any motor vehicle transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, and which motor vehicle had theretofore not been used, and is what is commonly known as a "new motor vehicle"; and

(ii) The words "used vehicle" shall be any motor vehicle which has been sold, bargained, exchanged, given away, or the title transferred from the person who first took ownership from the manufacturer or importer, dealer, or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle".

(c) In addition to the application referred to in subsections (a) and (b) of this section, a title application fee in the amount of eight dollars (\$8.00) per motor vehicle is imposed on each title issued, which shall be paid to the office at the time that application for registration thereof is made.

(d)(1) All fees, fines, penalties, and other amounts collected under subsection (c) of this section shall be remitted to the Treasurer of State separate and apart from other taxes and fees.

(2)(A) Three percent (3%) of the gross amount thereof shall be deducted by the Treasurer of State as provided by law.

(B) The net amount remaining after the deduction of the three percent (3%) is distributed as follows:

(i) Fifty percent (50%) of the net amount shall be distributed as provided under the Arkansas Highway Revenue Distribution Law, § 27-70-207 et seq. Provided that at least three million, six hundred eighty thousand dollars (\$3,680,000) shall be distributed as provided in this subdivision (d)(2)(B)(i) before any other distributions are made under this section; and

(ii) Fifty percent (50%) of the net amount shall be deposited into the State Treasury as trust funds and credited to the State Police Retirement Fund to be used for the State Police Retirement System.

(e)(1) As used in this section, "expedited title processing service" means the expedited review of an applicant's application for certificate of title.

(2) The Office of Motor Vehicle may provide an expedited title processing service for a motor vehicle subject to registration and issuance of a certificate of title under this chapter upon:

(A) The request of the applicant; and

(B) Payment of an expedited title processing service fee in the amount of ten dollars (\$10.00) in addition to the specified title application fees required under subsection (c) of this section.

(3) An expedited title processing service request:

(A) Shall be made in person by the applicant at the Central Revenue Office located at the Charles D. Ragland Taxpayer Services Center in Little Rock, Arkansas;

(B) Shall require that an applicant submit all the required registration forms and payment of the certificate of title application fees and expedited title processing service fee at the time of application;

(C) Shall not guarantee the issuance of a certificate of title; and

(D) Shall be completed by the Office of Motor Vehicle within three (3) business days from the date the applicant submitted the application.

(4) The expedited title processing service fee collected under subdivision (e)(2) of this section shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund to be used for system enhancements, including without limitation for the systems used for processing motor vehicle, commercial motor carriers, or driver's licenses.

History. Acts 1949, No. 142, § 33; 1955, No. 110, § 1; 1979, No. 439, § 1; 1981, No. 40, § 1; A.S.A. 1947, § 75-133; Acts 1987, No. 945, § 6; 2009, No. 146, § 2; 2011, No. 335, § 1; 2011, No. 718, § 2; 2017, No. 448, § 8; 2019, No. 524, § 3; 2019, No. 910, § 4531.

Amendments. The 2017 amendment substituted "Director of the Department

of Finance and Administration" for "Commissioner of Motor Vehicles" in (b)(2)(C).

The 2019 amendment by No. 524 added (e).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(2)(C).

27-14-709. Half-year license.

Notwithstanding any provision of law to the contrary, any motor vehicle for which the annual registration and licensing fee is one hundred dollars (\$100) or more, for any twelve-month licensing period, may be licensed for the first six (6) months of the annual licensing period, upon payment of one-half ($\frac{1}{2}$) of the annual registration and licensing fee, plus an additional fee of five dollars (\$5.00) to defray the administrative cost of issuing the half-year license, under such rules as the Secretary of the Department of Finance and Administration may promulgate.

History. Acts 1965 (1st Ex. Sess.), No. 38, § 1; A.S.A. 1947, § 75-282; Acts 2019, No. 315, § 3092; 2019, No. 910, § 4532.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations".

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-713. Issuance of registration certificates and certificates of title.

(a) The Office of Motor Vehicle, upon registering a vehicle, shall issue a registration certificate and a certificate of title. The registration certificate and the certificate of title shall be of a type which, as nearly as possible, prevents the document from being altered, counterfeited, duplicated, or simulated without ready detection.

(b)(1) The registration certificate shall be delivered to the owner and shall display the date issued, the name and address of the owner, the registration number assigned to the vehicle, and the description of the vehicle as determined by the Office of Motor Vehicle.

(2) Upon the reverse side it shall contain a form for endorsement of notice to the office upon transfer of the vehicle.

(c)(1)(A) The certificate of title shall contain upon its face the identical information required upon the face of the registration certificate.

(B) In addition, it shall contain:

(i) A statement of the owner's title;

(ii) A statement of all liens and encumbrances on the vehicle therein described;

(iii) A statement as to whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement; and

(iv) If a certificate of title is issued as a certificate of title with beneficiary, the information required under § 27-14-727.

(2) The certificate shall bear the seal of the office.

(d)(1) The certificate of title shall contain upon the front side a space for the signature of the owner, and the owner shall write his or her name with pen and ink in the space upon receipt of the certificate, except when a surviving owner or a beneficiary applies for a new title under § 27-14-727.

(2) The certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner, with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(e)(1) The certificate of title shall be delivered to the owner in the event no lien or encumbrance appears thereon.

(2) Otherwise, the certificate of title shall be delivered either to the person holding the first lien or encumbrance upon the vehicle as shown in the certificate or to the person named to receive it in the application for the certificate.

History. Acts 1949, No. 142, § 39; in (b)(1), substituted "shall display" for 1981, No. 697, § 1; A.S.A. 1947, § 75-139; "shall contain, upon the face thereof" and Acts 2007, No. 171, § 1; 2011, No. 335, "Office of Motor Vehicle" for "Commissioner of Motor Vehicles". §§ 2, 3; 2017, No. 448, § 9.

Amendments. The 2017 amendment,

27-14-716. Display of license plates generally.

(a)(1) License plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one (1) in the front and the other in the rear.

(2)(A) When one (1) plate is issued, it shall be attached to the rear.

(B) License plates for trucks of one-ton capacity or larger may be displayed either on the front or rear of the vehicle.

(C) The license plate issued for a motorcycle required to be registered under this chapter shall be attached to the rear thereof.

(b) Every license plate shall, at all times, be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches (12") from the ground, measuring from the bottom of the plate, in a

place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c)(1) Except as provided in subdivision (c)(2) of this section, placing any type of cover over a license plate which makes the license plate more difficult to read or which reduces the reflective properties of the license plate is prohibited.

(2) However, if installed according to manufacturer specification or generally accepted installation practices, the following devices or the cargo the device is carrying may obscure a license plate on the vehicle:

- (A) A trailer hitch;
- (B) A trailer being towed by the motor vehicle;
- (C) A wheelchair lift or wheelchair carrier; or
- (D) A bicycle rack.

History. Acts 1949, No. 142, § 42; 1985, No. 1065, § 1; A.S.A. 1947, § 75-142; Acts 2001, No. 1378, § 1; 2021, No. 538, § 1.

Amendments. The 2021 amendment redesignated (c) as (c)(1); added “Except as provided in subdivision (c)(2) of this section” in (c)(1); and added (c)(2).

27-14-721. Assignment of new identifying numbers.

(a) The Office of Motor Vehicle is authorized to assign a distinguishing number to a motor vehicle whenever the serial number on the motor vehicle is destroyed or obliterated and to issue to the owner a special plate bearing the distinguishing number, which shall be affixed to the motor vehicle in a position to be determined by the Office of Motor Vehicle.

(b) The motor vehicle shall be registered under the distinguishing number in lieu of the former serial number.

History. Acts 1949, No. 142, § 46; A.S.A. 1947, § 75-146; Acts 2017, No. 448, § 10.

for “thereon”, inserted “motor” preceding “vehicle in”, and substituted “by the Office of Motor Vehicle” for “by the Commissioner of Motor Vehicles”.

Amendments. The 2017 amendment, in (a), substituted “on the motor vehicle”

27-14-722. Change of engines.

The Office of Motor Vehicle may adopt and enforce such registration rules as are necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle.

History. Acts 1949, No. 142, § 47; A.S.A. 1947, § 75-147; Acts 2017, No. 448, § 11; 2019, No. 315, § 3093.

Vehicles is authorized to” and “are necessary” for “may be deemed necessary”; and made a stylistic change.

Amendments. The 2017 amendment substituted “The Office of Motor Vehicle may” for “The Commissioner of Motor

The 2019 amendment deleted “and regulations” following “rules”.

27-14-726. Mini-trucks — Definitions.

(a) As used in this section:

(1) "Low pressure tire" means a pneumatic tire six inches (6") or more in width designed for use on a wheel with a rim diameter of twelve inches (12") or less and utilizing an operating pressure of ten pounds per square inch (10 p.s.i.) or less as recommended by the vehicle manufacturer; and

(2)(A) "Mini-truck" means a motor vehicle that is:

(i) At least forty-eight inches (48") in width;

(ii) Not more than one hundred thirty-five inches (135") in length including the bumper;

(iii) At least one thousand five hundred pounds (1,500 lbs.) in unladen weight, including fuel and fluids;

(iv) Equipped with:

(a) Four (4) or more low pressure tires or pneumatic rubber tires that are used on motor vehicles;

(b) A steering wheel;

(c) Seating for at least two (2) people to sit side-by-side in the front seating area;

(d) A fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R. § 571.205(a), in effect on January 1, 2019, and mirrors that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019;

(e) Metal doors with functioning handle locks that are similar to the handle locks on motor vehicles;

(f) Headlamps as required under § 27-36-209;

(g) Tail lamps as required under § 27-36-215;

(h) Signal lamps as provided under § 27-36-216;

(i) A working horn as required under § 27-37-202(a);

(j) Seat belts as provided under § 27-37-701 et seq.; and

(k) Front and rear bumpers.

(B) A mini-truck may be equipped with a bed or cargo box for hauling materials.

(C) A mini-truck is not an all-terrain vehicle under § 27-20-201 et seq. and § 27-21-101 et seq.

(b)(1) The owner of a mini-truck may register and license it as a Class Eight farm vehicle under § 27-14-601(a)(3)(H).

(2) In the application to register the mini-truck, the owner of the mini-truck shall provide:

(A) The same affidavit as required under § 27-14-601(a)(3)(H)(v) and § 27-14-601(a)(3)(H)(xi);

(B) Proof of insurance as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.; and

(C) Proof of ownership that is in the English language, to include a bill of sale and an export certificate or a title.

(3) The fees for registering and licensing a mini-truck shall be the same as for registering a Class Eight farm vehicle under § 27-14-601(a)(3)(H)(ii)(a).

(4) The driver of a mini-truck shall have a valid driver's license.

(5) The driver of a mini-truck that is registered and licensed under this section shall comply with and is subject to the same penalties for violating the rules of the road as provided under § 27-51-101 et seq.

(6) A mini-truck is a motor vehicle for the purposes of minimum insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(c) A mini-truck shall not be operated on an interstate highway.

(d) A mini-truck shall not be operated on a road or highway if:

(1) The operation of mini-trucks is prohibited;

(2) The road is a controlled-access highway;

(3) The posted speed limit is more than fifty-five miles per hour (55 m.p.h.); or

(4) The mini-truck cannot maintain a speed equal to the posted speed limit.

History. Acts 2009, No. 146, § 3; Acts 2019, No. 394, § 2.

Amendments. The 2019 amendment rewrote (a)(2)(A)(iv)(d).

27-14-727. Certificate of title with beneficiary — Definitions.

(a) As used in this section:

(1)(A) "Beneficiary" means one (1) individual who is designated to become the owner of a vehicle upon the death of the current owner as indicated on the certificate of title issued under this chapter.

(B) "Beneficiary" does not include a business, firm, partnership, corporation, association, or any other legally created entity;

(2) "Certificate of title with beneficiary" means a certificate of title for a vehicle issued under this chapter that indicates the present owner of the vehicle and designates a beneficiary as provided under this section;

(3)(A) "Owner" means an individual who holds legal title of a vehicle and can include more than one (1) person but not more than three (3) persons.

(B) "Owner" does not include a business, firm, partnership, corporation, association, or any other legally created entity; and

(4) "Vehicle" means a motorized or nonmotorized piece of equipment with wheels that is:

(A) Primarily used to transport persons or property on the streets, roads, or highways; and

(B) Required to be registered, licensed, and titled by the Office of Motor Vehicle under this chapter.

(b) If the owner or joint owners want to transfer a vehicle upon death by operation of law, the owner or joint owners may request that the Office of Motor Vehicle issue a certificate of title with beneficiary that includes a directive to the office to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to the beneficiary named on the face of the certificate of title with beneficiary.

(c)(1) The owner of a vehicle may submit a transfer on death application to the office to request the issuance of a certificate of title with beneficiary or a change to a certificate of title with beneficiary.

(2) The owner shall provide the following information in the application:

(A) Whether the applicant seeks to add, remove, or change a beneficiary;

(B) The full legal name of the beneficiary;

(C) The Social Security number of the beneficiary;

(D) The address of the beneficiary;

(E) The vehicle identification number of the vehicle;

(F) The year, make, model, and body type of the vehicle;

(G) The printed full legal name of the owner of the vehicle;

(H) The Arkansas driver's license or identification card number for the owner of the vehicle; and

(I) The signature of the owner of the vehicle.

(3) The owner shall include the following with the application:

(A) The certificate of title for the vehicle issued under this chapter;

(B) The certificate of title application fee as provided under § 27-14-705(c) and the certificate of title fee under § 27-14-602(b); and

(C) The certificate of title with beneficiary processing fee of ten dollars (\$10.00).

(4)(A) The fee remitted under subdivision (c)(3)(C) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the office as direct revenue.

(d)(1) The office shall not issue a certificate of title with beneficiary to an owner of a vehicle if:

(A) The vehicle is encumbered by a lien; or

(B) The owner holds his or her interest in the vehicle as a tenant in common with another person.

(2) If a lien request is made for a certificate of title with beneficiary, the beneficiary shall be removed and the lien added.

(e) The certificate of title with beneficiary issued by the office shall include after the name of the owner the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

(f) During the lifetime of the sole owner or before the death of the last surviving joint owner:

(1) The signature or consent of the beneficiary is not required for any transaction relating to the vehicle for which a certificate of title with beneficiary has been issued; and

(2) The certificate of title with beneficiary is revoked by:

(A) Selling the vehicle with proper assignment and delivery of the certificate of title to another person; or

(B) Filing an application with the office to remove or change a beneficiary as provided under subsection (c) of this section.

(g) Except as provided in subsection (f) of this section, the designation of the beneficiary in a certificate of title with beneficiary shall not be changed or revoked:

- (1) By will or any other instrument;
- (2) Because of a change in circumstances; or
- (3) In any other manner.

(h) The interest of the beneficiary in a vehicle on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment, or security interest to which the owner of the vehicle was subject during his or her lifetime.

(i)(1)(A) Upon the death of the owner, the office shall issue a new certificate of title for the vehicle to the surviving owner or, if no surviving owner, to the beneficiary if the surviving owner or beneficiary presents the following:

(i) Proof of death of the owner that includes a death certificate issued by the state or a political subdivision of the state;

(ii) Surrender of the outstanding certificate of title with beneficiary; and

(iii) Application and payment of the title application fee and title fee.

(B) A certificate of title issued under this subsection will be subject to any existing security interest.

(2) If the surviving owner or beneficiary chooses, he or she can submit a completed certificate of title with beneficiary application as provided under this section, along with the ten dollar (\$10.00) processing fee, at the time of the application for a new title under this subsection.

(3) The transfer under this subsection is a transfer by operation of law, and § 27-14-907 applies to the extent practicable and not in conflict with this section.

(j) The transfer of a vehicle upon the death of the owner under this section is not testamentary and is not subject to administration under Title 28 of the Arkansas Code.

(k) The procedures and fees under § 27-14-720 shall apply for obtaining a duplicate title with beneficiary.

(l)(1) The office may promulgate rules for the administration of this section.

(2) If rules are promulgated, the office shall consult with the Arkansas State Game and Fish Commission about the rules.

History. Acts 2011, No. 335, § 4; 2019, No. 524, § 4.

Amendments. The 2019 amendment,

in (c)(3)(B), inserted "certificate of" twice and deleted "of four dollars (\$4.00)" following "application fee".

SUBCHAPTER 8 — LIENS AND ENCUMBRANCES

SECTION.

27-14-806. Optional means of recording.

27-14-806. Optional means of recording.

(a)(1) At his or her option, a lienholder may:

(A) Record the lien:

(i) On the manufacturer's statement of origin;

(ii) On an existing certificate of title; or

(iii) If the Office of Motor Vehicle determines it is technologically and economically feasible to offer the ability to electronically record a lien, through the electronic lien recording database established by the Department of Finance and Administration; and

(B) File with the Revenue Division of the Department of Finance and Administration a certified copy of the instrument creating and evidencing the lien or encumbrance.

(2) In the case of implements of husbandry, mobile homes or manufactured homes as defined in § 27-14-104, and all-terrain vehicles as defined in § 27-21-102, at his or her option, a lienholder may:

(A) Record the lien on the manufacturer's statement of origin;

(B) Record the lien on an existing certificate of title;

(C) File with the division a certified copy of the instrument creating and evidencing the lien or encumbrance; or

(D) If the office determines it is technologically and economically feasible to offer the ability to electronically record a lien, record the lien through the electronic lien recording database established by the department.

(3) He or she shall remit therewith a fee of one dollar (\$1.00) for each lien to be filed.

(4) The recording or filing shall constitute constructive notice of the lien against the vehicle described therein to creditors of the owner, subsequent purchasers, and encumbrances, except those liens that are by law dependent upon possession.

(5) A photocopy of the manufacturer's statement of origin or of an existing certificate of title or of ownership, showing the lien recorded thereon and certified as a true and correct copy by the party recording the lien, shall be sufficient evidence of the recording.

(b)(1)(A) The lien shall be deemed perfected and the constructive notice shall be effective from the date of the execution of the instrument creating and evidencing the lien or encumbrance if it is filed as authorized in this section within thirty (30) days after the date of the execution thereof.

(B) If the instrument is filed more than thirty (30) days after the date of the execution thereof, the lien shall be deemed perfected and the constructive notice shall date from the time of the filing of the instrument.

(2) However, the filing of a lien under the provisions of this section by the lienholder and the payment of the fee therefor shall in no way

relieve any person of the obligation of paying the fee required by law for filing a lien to be evidenced on a certificate of title of a motor vehicle.

History. Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 1989, No. 821, § 11; 1991, No. 579, § 2; 2005, No. 2160, § 1; 2017, No. 448, § 12; 2017, No. 687, § 1.

Amendments. The 2017 amendment by No. 448, in (a)(2), substituted “implements of husbandry, mobile homes or manufactured homes as defined in § 27-14-104, and all-terrain vehicles as defined in § 27-21-102” for “implements of husbandry, as defined in § 27-14-212, all-

terrain vehicles as defined in § 27-21-102, mobile homes as defined in § 27-14-207, or manufactured homes, as defined in § 27-14-207”.

The 2017 amendment by No. 687 redesignated the introductory language of (a)(1)(A) as the introductory language of (a)(1); redesignated part of (a)(1)(A)(i) as the introductory language of (a)(1)(A); added (a)(1)(A)(iii); added (a)(2)(D); and made stylistic changes.

27-14-807. Methods exclusive — Exception.

CASE NOTES

In General.

There was no merit to a trustee’s claim that he was allowed under 11 U.S.C.S. § 544 to avoid liens the U.S. Government and a bank held on farm equipment owned by debtors who declared Chapter 7 bankruptcy, and on rice the debtors had harvested that was in storage, because the debtors borrowed money and executed security agreements in the name of a joint

venture they created; however, neither the Government nor the bank had a secured interest in vehicles the debtors owned which had titles that did not show a lien in favor of the Government or the bank because Arkansas law provided that creditors’ security interests in registered vehicles had to be shown on the vehicle’s title. *Bank of Eng. v. Rice (In re Webb)*, 520 B.R. 748 (Bankr. E.D. Ark. 2014).

SUBCHAPTER 9 — TRANSFERS OF TITLE AND REGISTRATION

SECTION.

- 27-14-902. Transfer or assignment by owner or lessee generally.
- 27-14-906. Dealer and lienholder applications for registration and title certificates.
- 27-14-907. Transfer by operation of law — Definition.

SECTION.

- 27-14-914. Transfer of license plates and registration from one vehicle to another.
- 27-14-915. Transfer of license on vehicles for hire.

Effective Dates. Acts 2015, No. 726, § 2: July 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current procedure for registering motor vehicles acquired by lienholders through operation of law creates the possibility that out-of-state vehicles may be titled and registered in the State of Arkansas without being present in the state or without the security interest against the motor vehicle being recorded in Arkansas; and that this act is immedi-

ately necessary to prevent citizens of the State of Arkansas from being defrauded by out-of-state sellers of motor vehicles. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state

entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should

become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-902. Transfer or assignment by owner or lessee generally.

(a)(1) Whenever the owner or lessee of a registered vehicle transfers or assigns his or her title, or interest thereto, the registration of the vehicle shall expire.

(2) The owner or lessee shall remove the license plate or plates therefrom.

(3)(A) The owner or lessee may have the plate or plates assigned to another vehicle upon payment of the fees required by law and subject to the rules of the Office of Motor Vehicle.

(B) Whenever the owner or lessee elects to assign the plate or plates to a replacement vehicle, the owner may display the plate or plates on the replacement vehicle prior to registering the vehicle within the time permitted by § 27-14-903 provided that the owner has complied with § 27-14-701(c).

(b)(1) The owner or lessee shall pay a transfer fee of one dollar (\$1.00).

(2) If the fee for registering and licensing the vehicle to be registered is greater than the registration fee paid for the vehicle originally licensed, then the office shall, in addition, collect an amount equal to the excess payable for the vehicle to be registered.

(3) No refund will be due in the event that the fee for registering and licensing the vehicle to be registered is less than that represented by the license to be transferred.

(c) The owner or lessee shall pay any additional fee which shall be required under the registration laws of this state.

(d) The owner shall endorse an assignment and warranty of title upon the certificate of title for the vehicle, and he or she shall deliver the certificate of title to the purchaser or transferee at the time of delivery of the vehicle, except as provided in §§ 27-14-906 and 27-14-909.

History. Acts 1949, No. 142, § 48; 1955, No. 110, § 2; 1967, No. 465, § 23; A.S.A. 1947, § 75-148; Acts 1995, No. 268, § 3; 1999, No. 461, § 1; 1999, No. 1106, § 1; 2019, No. 315, § 3094.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (a)(3)(A).

27-14-906. Dealer and lienholder applications for registration and title certificates.

(a) The Secretary of the Department of Finance and Administration may permit lienholders and motor vehicle dealers to make applications for registration and certificates of title and to furnish them to the Office of Motor Vehicle on behalf of the purchaser of a new or used motor vehicle.

(b) The secretary shall promulgate reasonable rules to be complied with by motor vehicle dealers and lienholders in making application for registration and certificates of title on behalf of purchasers of new or used motor vehicles and may, if the secretary deems necessary, require the dealer or lienholder to post bond to ensure faithful compliance with the rules.

(c)(1) Any motor vehicle dealer or lienholder who has been authorized by the secretary to prepare applications for registration and certificates of title with respect to new or used motor vehicles shall transmit the applications to the secretary and shall attach thereto a copy of any conditional sales contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon the motor vehicle.

(2) Upon receipt of the documents under subdivision (c)(1) of this section, the secretary shall file a lien and encumbrance, as provided in § 27-14-801 et seq., which from the date of filing shall be notice of the lien or encumbrance.

(d) On issuing the registration and certificate of title, the secretary shall mail the registration to the owner and the title to the lienholder, or to the owner if no lien exists.

(e) If the failure of a motor vehicle dealer or other lienholder to comply with the provisions of § 27-14-802 or § 27-14-806 results in the motor vehicle dealer or lienholder holding an unperfected security interest in the motor vehicle, no action shall lie against the Department of Finance and Administration for any damages resulting from the failure to perfect a security interest.

History. Acts 1949, No. 142, § 53; 1971, No. 469, § 2; A.S.A. 1947, § 75-153; Acts 1989, No. 251, § 1; 1991, No. 293, § 1; 2017, No. 448, § 13; 2019, No. 910, § 4533.

Amendments. The 2017 amendment substituted "director" for "commissioner" throughout the section; substituted "The Director of the Department of Finance and Administration may" for "The Commissioner of Motor Vehicles is authorized to" in (a); in (b), deleted "and regulations"

following "rules" two times, and substituted "the director deems" for "he or she deems it"; substituted "of the documents under subdivision (c)(1) of this section" for "thereof" in (c)(2); and made stylistic changes.

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" throughout the section.

27-14-907. Transfer by operation of law — Definition.

(a)(1) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another by a method other than voluntary transfer, the registration of the vehicle shall expire, and the vehicle shall not be operated upon public streets or highways for more than thirty (30) days after the transfer date unless a valid registration plate is attached thereto.

(2) In the event that title has become vested in the person holding a lien or encumbrance upon the vehicle, the person may apply to the Office of Motor Vehicle for, and obtain, special plates as may be issued under this chapter to dealers and may operate any repossessed vehicle under such special plates only for purposes of transporting it to a garage or warehouse or for purposes of demonstrating or selling it.

(b)(1) Upon any such transfer, the new owner may either secure a new registration and certificate of title, upon proper application and upon presentation of:

(A) The last certificate of title, if available;

(B) Evidence that the lien or encumbrance was previously recorded in the State of Arkansas or that the motor vehicle is physically present in the State of Arkansas; and

(C) Such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(2)(A) If the motor vehicle to be registered was last registered in a jurisdiction other than Arkansas and if the name of the new owner as lienholder is not shown on the existing certificate of title, a certificate of title may not be issued to the new owner under this section. Instead, the new owner may secure a new registration and certificate of title only by obtaining an order issued by a court of competent jurisdiction directing the new registration and certificate of title.

(B) The provisions of subdivision (b)(2)(A) of this section do not apply to a motor vehicle that was last sold by a motor vehicle dealer licensed in Arkansas or another state to an Arkansas purchaser and the Arkansas purchaser failed to register the vehicle in this state. The lienholder of that vehicle may obtain a title under this section upon presentation of:

(i) The last certificate of title, if available;

(ii) A copy of the instrument creating or evidencing the lien or encumbrance that reflects the name and address of the Arkansas resident purchaser of the motor vehicle; and

(iii) Instruments or documents of authority, or copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to the motor vehicle.

(3)(A) The provisions of subdivision (b)(2)(A) of this section do not apply to a motor vehicle to be sold by an auto auction if:

(i) The auto auction is located in Arkansas; and

(ii) The auto auction has a written agreement with the repossessing lienholder to sell repossessed motor vehicles at the auto auction.

(B) The exception provided under subdivision (b)(3)(A) of this section shall not apply unless the reposessing lienholder submitted along with the application for registration for the motor vehicle an affidavit, on a form prescribed by the office, affirming that the motor vehicle would be offered for sale by the auto auction with whom the lienholder has made the agreement.

(C) For purposes of this section, "auto auction" means:

(i) A person who operates or provides a place of business or facilities for the wholesale exchange of motor vehicles by and between licensed motor vehicle dealers;

(ii) A motor vehicle dealer licensed to sell used motor vehicles, or selling motor vehicles using an auction format but not on consignment; and

(iii) A person who provides the facilities for or is in the business of selling motor vehicles in an auction format.

(D) The office may request information from the auto auction as necessary to verify the exception provided under subdivision (b)(3)(A) of this section.

(4) The new owner, upon transferring his or her title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title previously issued, if available, and deliver it, as well as the documents of authority or certified copies thereof, as may be sufficient or required by law to evidence the rights of the person, to the person to whom the transfer is made.

(c) The Secretary of the Department of Finance and Administration shall have the power to adopt rules to establish what documents or evidence are required to verify that a lien or encumbrance holder or his or her assignee has complied with this section.

History. Acts 1949, No. 142, § 51; 1983, No. 252, § 3; A.S.A. 1947, § 75-151; Acts 1995, No. 268, § 2; 1999, No. 1307, § 2; 2005, No. 1175, § 1; 2015, No. 726, § 1; 2017, No. 448, § 14; 2019, No. 910, § 4534.

Amendments. The 2017 amendment, in (c), substituted "Director of the Depart-

ment of Finance and Administration" for "Commissioner of Motor Vehicles" and deleted "regulations or" preceding "rules".

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (c).

27-14-914. Transfer of license plates and registration from one vehicle to another.

(a)(1) When the owner of any motor vehicle, excepting Class One trucks and passenger automobiles other than buses, registered and licensed in this state, shall sell or transfer the motor vehicle or when the motor vehicle has been destroyed so as to be unfit for repair or further use, and the owner shall replace the vehicle with another motor vehicle requiring payment of the same registration or license fee, the owner may, at his or her election, transfer the license plate and registration of the vehicle being so disposed of to the vehicle acquired as

a replacement thereof, upon payment to the Secretary of the Department of Finance and Administration of a transfer fee of ten dollars (\$10.00) per vehicle.

(2) If at the time of transfer the replacement vehicle shall require payment of a larger license fee than the vehicle transferred, the owner shall pay the difference in addition to the transfer fee.

(3) The owner may elect not to transfer the registration and license plate, in which event the transfer of the vehicle shall be governed as provided by law.

(b) The secretary shall provide suitable forms to enable owners electing to do so to transfer license plate or plates and registration and make payment of the fee provided in this section and shall be empowered to make reasonable rules governing these transfers.

History. Acts 1967, No. 134, §§ 1, 2; A.S.A. 1947, §§ 75-287, 75-288; Acts 2019, No. 315, § 3095; 2019, No. 910, §§ 4535, 4536.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (b).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (b).

27-14-915. Transfer of license on vehicles for hire.

(a) When the owner of a vehicle licensed to operate for hire takes the vehicle out of the for-hire service, the Secretary of the Department of Finance and Administration, upon the payment of a transfer charge of two dollars (\$2.00), will cause the license for the vehicle to be transferred to another vehicle for like use to be registered by the owner.

(b) If the fee for registration and licensing the vehicle under registration is greater than that represented by the license to be transferred, then the secretary shall, in addition, collect an amount equal to the excess payable for the vehicle under registration.

(c) No refund will be due in the event that the fee for registration and licensing the vehicle under registration is less than that represented by the license to be transferred.

(d)(1) Upon the transfer of a license, the secretary will cause to be cancelled all registrations on the vehicle taken out of for-hire service.

(2) In the event the vehicle is thereafter used upon the highways of the State of Arkansas, the owner thereof must cause it to be reregistered in the usual manner.

History. Acts 1947, No. 416, §§ 1, 2; A.S.A. 1947, §§ 75-207, 75-208; Acts 2019, No. 910, §§ 4537, 4538.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b) and (d)(1).

SUBCHAPTER 10 — PERMANENT AUTOMOBILE LICENSING ACT

SECTION.

- 27-14-1002. Definitions.
- 27-14-1004. Penalties.
- 27-14-1005. Failure to affix or display license plates, etc.
- 27-14-1006. Authority to issue permanent license plate subject to replacement.
- 27-14-1007. Issuance of license plate.
- 27-14-1008. Issuance of permanent reflectorized license plates.
- 27-14-1009. Issuance of special personalized license plate.
- 27-14-1010. Registration certificate.
- 27-14-1011. Registration on monthly-series basis — Renewal periods.

SECTION.

- 27-14-1012. Applications for registrations or renewals.
- 27-14-1013. Renewals of registration.
- 27-14-1014. Application forms for renewals of registration.
- 27-14-1015. Payment of personal property taxes and listing for assessment required.
- 27-14-1016. Other information required.
- 27-14-1018. Issuance of annual tab or decal.
- 27-14-1019. Changes of address.
- 27-14-1020. Rules.
- 27-14-1021. Annual notification of requirements.

Effective Dates. Acts 2017, No. 532, § 10: Mar. 20, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the present system for registering commercial motor vehicles is inconvenient, expensive, unduly time-consuming, and lacks the software capabilities offered by comparable systems in other states to facilitate the registration process electronically. In order to make the Arkansas Motor Carrier System operational on or before January 1, 2018 as required by this act, the Department of Finance and Administration must be authorized to immediately commence planning, programming, and promulgating the necessary rules, regulations, and procedures pertaining to the necessary system enhancements. These enhancements are estimated to take more than six (6) months to complete. Moreover, due to the lack of clarity in current law, commercial motor carriers currently face potential unwarranted liability for acts or omissions involving license plates and registrations. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by

the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1002. Definitions.

(a) As used in this subchapter:

(1) "Class One trucks" includes trucks of Class One as defined in § 27-14-601(a)(3), but excludes trailers and semitrailers of that class;

(2) "Commercial motor vehicle" includes motor buses, motor buses in interstate or intrastate operations, trucks, tractors, trailers, and semitrailers of Class Two, Class Three, Class Four, Class Five, Class Six, Class Seven, and Class Eight, as provided in § 27-14-601(a)(3), and trailers and semitrailers in Class One of § 27-14-601(a)(3);

(3) [Repealed.]

(4) "Passenger motor vehicle" includes all other vehicles except as defined in subdivision (a)(2) of this section and except Class One trucks;

(5) "Proper application" consists of a completed application form which meets all of the requirements relevant to securing a motor vehicle license, including the submission of proper fees within the required time; and

(6) "Tab or decal" is an attachable material of such form and substance as the Secretary of the Department of Finance and Administration may prescribe by rule.

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code contained in this title.

History. Acts 1967, No. 465, § 2; A.S.A. 1947, § 75-133.12; Acts 2017, No. 448, § 15; 2019, No. 315, § 3096; 2019, No. 910, § 4539.

Amendments. The 2017 amendment repealed (a)(3).

The 2019 amendment by No. 315 deleted "or regulation" following "rule" in (a)(6).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(6).

27-14-1004. Penalties.

(a) Any person failing to comply with the provisions of this subchapter by operating a passenger motor vehicle, as set forth and described in § 27-14-1002(a), or by operating a Class One truck, as set forth and described in § 27-14-1002(a), which is subject to registration under the laws of this state on any street, road, or highway in the State of Arkansas without having first registered the motor vehicle with the Office of Motor Vehicle, in the manner and within the period required by law or rules of the Secretary of the Department of Finance and Administration, shall be required to pay a penalty of three dollars (\$3.00) for each ten (10) days, or fraction thereof, for which he or she fails properly to register the vehicle until the penalty reaches the same amount as the annual license fee of the vehicle to be registered.

(b) No penalty shall be assessed if the owner or operator of a vehicle makes an affidavit to the effect that the vehicle has not been operated on any street, road, or highway in the State of Arkansas after the time set for registering the motor vehicle with the office.

(c) If the affidavit shall be false, the making of the affidavit shall constitute a misdemeanor and shall be punishable by a fine of from two hundred fifty dollars (\$250) to five hundred dollars (\$500).

History. Acts 1967, No. 465, § 8; 1968 (1st Ex. Sess.), No. 41, § 1; A.S.A. 1947, § 75-133.18; Acts 2019, No. 315, § 3097; 2019, No. 910, § 4540.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (a).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

27-14-1005. Failure to affix or display license plates, etc.

(a) The failure of the motor vehicle owner to affix and display the permanent license plates, the tab or decal, or the registration card, in the places designated by the Secretary of the Department of Finance and Administration, shall be a misdemeanor subject to the penalties provided by § 27-14-301.

(b) The owner of a commercial motor vehicle registered with the International Registration Plan is not required to affix or display a tab or decal on a commercial motor vehicle’s license plate.

History. Acts 1967, No. 465, § 19; A.S.A. 1947, § 75-133.29; Acts 2017, No. 532, § 8; 2019, No. 910, § 4541.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: “Legislative findings. The General Assembly finds that:

“(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the registration process for commercial motor vehicles;

“(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

“(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles that are registered with the International Registration Plan;

“(4) The law needs to be clarified to verify that license plates for commercial motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

“(5) An enhancement creating an on-line system for administrative transactions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

“(6) Enhancements to the Arkansas Motor Carrier System will make available to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

“(7) Directing the department to develop rules, regulations, and procedures to implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state’s goal of improving services and modernizing the Arkansas Motor Carrier System.”

Amendments. The 2017 amendment designated the existing language as (a); and added (b).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

27-14-1006. Authority to issue permanent license plate subject to replacement.

(a) The Secretary of the Department of Finance and Administration is authorized to issue to the owner of a vehicle subject to this subchapter a permanent license plate subject to replacement at the request of the owner because of theft, loss, wear, or mutilation, or at the discretion of either the Director of the Division of Arkansas State Police or the secretary.

(b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

History. Acts 1967, No. 465, § 4; A.S.A. 1947, § 75-133.14; Acts 2019, No. 910, § 4542.

Amendments. The 2019 amendment, in (a), substituted "Secretary of the Department of Finance and Administration"

for "Director of the Department of Finance and Administration" twice and substituted "Division of Arkansas State Police" for "Department of Arkansas State Police".

27-14-1007. Issuance of license plate.

Upon registration, the owner of every vehicle of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Secretary of the Department of Finance and Administration upon the payment of the fees required by law.

History. Acts 1967, No. 465, § 6; A.S.A. 1947, § 75-133.16; Acts 2019, No. 910, § 4543.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1008. Issuance of permanent reflectorized license plates.

(a)(1) The Secretary of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.

(2) These license plates shall be attached to motor vehicles in such manner as he or she shall prescribe.

(3) Each reflectorized license plate so issued by the secretary shall have imprinted thereon a multicolor reflectorized graphic design or logo in such a manner and of such design as he or she shall prescribe which will promote tourism and improve public relations inside and outside the State of Arkansas.

(b) No identical license plates shall be issued for more than one (1) vehicle.

(c) All license plates that have been issued prior to the enactment of this section shall be replaced by the secretary with license plates that shall conform to this subchapter and be attached to motor vehicles during a replacement or recycle period beginning not earlier than January 1, 1980, nor later than January 31, 1981.

History. Acts 1967, No. 465, § 14; 1977, No. 367, § 1; 1979, No. 744, § 1; A.S.A. 1947, § 75-133.24; Acts 2019, No. 910, §§ 4544-4546.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (a)(3) and (c).

27-14-1009. Issuance of special personalized license plate.

(a)(1) The Secretary of the Department of Finance and Administration shall provide for and issue a special personalized license plate for passenger motor vehicles.

(2) The special personalized license plate shall be issued in lieu of the standard license plate for vehicles, upon application therefor and the payment of a fee of twenty-five dollars (\$25.00) per year in addition to the regular registration fee prescribed for the vehicle to which the special plate is to be attached.

(3)(A) The color of the background and color of the numbers or letters on the special personalized license plate shall be identical to the colors on the standard permanent plate issued.

(B) The secretary, in his or her discretion, may limit the number of characters or the context in which they appear on the license plate.

(b) No identical special personalized license plate shall be issued for more than one (1) vehicle.

(c)(1) In the event the owner does not desire to renew his or her special personalized license plate, he or she shall surrender the special personalized license plate at the time of renewal of registration.

(2) The willful failure or neglect thereof shall be a misdemeanor.

(d) The secretary may adopt rules concerning the issuance of a special personalized license plate.

History. Acts 1967, No. 465, § 15; A.S.A. 1947, § 75-133.25; Acts 2019, No. 315, § 3098; 2019, No. 910, §§ 4547-4549.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (d).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (a)(3)(B) and (d).

27-14-1010. Registration certificate.

(a) The Secretary of the Department of Finance and Administration shall issue to each owner of a motor vehicle subject to this subchapter a registration certificate which must be kept in the motor vehicle in the place prescribed by the secretary.

(b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

History. Acts 1967, No. 465, § 21; A.S.A. 1947, § 75-133.31; Acts 2019, No. 910, § 4550.

Amendments. The 2019 amendment, in (a), substituted "Secretary of the De-

partment of Finance and Administration" for "Director of the Department of Finance and Administration" and "secretary" for "director".

27-14-1011. Registration on monthly-series basis — Renewal periods.

(a)(1) The Secretary of the Department of Finance and Administration shall establish a system of registration on a monthly-series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(2) The secretary may set the number of renewal periods within the month from one (1) each month to one (1) each day of the month depending on which system is most economical and best accommodates the public.

(b) If the secretary elects to use monthly renewal periods, when a person applies for the registration of a vehicle and the issuance of a permanent license plate, the decals issued by the secretary for attachment to the permanent license plates to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The secretary shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) Registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter as long as renewed each year within the time required by law.

(e) The secretary shall establish a system to allow owners to renew their motor vehicle registrations by facsimile machine and to charge their fees to credit cards. The secretary shall obtain a number of facsimile machines and publish the telephone numbers of these machines and make agreements with credit card companies so as to best accommodate the public.

History. Acts 1967, No. 465, § 5; 1975, No. 691, § 1; A.S.A. 1947, § 75-133.15; Acts 1991, No. 1005, § 1; 2019, No. 910, § 4551.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" throughout the section.

27-14-1012. Applications for registrations or renewals.

(a)(1) An applicant may apply, in person or by mail, for the issuance of permanent license plates to the revenue office in the county where he or she resides or to the Secretary of the Department of Finance and Administration.

(2) After the issuance of a permanent license plate, an applicant may apply for renewal by:

(A) Transmitting the required documents and the registration fee by mail to the applicant's local revenue office or to the secretary;

(B) Transmitting the required information electronically using the electronic online registration process provided by the Department of

Finance and Administration and authorizing the registration fee to be charged to the applicant's credit card; or

(C) Providing the required information using the telephone registration process provided by the department and authorizing the registration fee to be charged to the applicant's credit card.

(b)(1) Not less than thirty (30) days before the expiration of the license, the secretary shall notify the owner of a registered motor vehicle subject to this subchapter.

(2) The notice shall be sent by:

(A) Regular mail to the most recent address of the owner of the motor vehicle as the owner's name and address appear on the records of the Office of Motor Vehicle as the address provided at the last registration or reported as a change of address as required by § 27-14-1019; or

(B) Email to the email address provided to the secretary by the motor vehicle owner in connection with a consent to receive the annual motor vehicle registration renewal notice by email.

(c) A proper application for registration or renewal by mail must be postmarked not later than fifteen (15) days before the date for renewal to allow time for processing.

(d) The secretary is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail and to impose an additional fee to recover any credit card fees charged by credit card companies.

History. Acts 1967, No. 465, § 16; A.S.A. 1947, § 75-133.26; Acts 1991, No. 1005, § 2; 1993, No. 1261, § 3; 1999, No. 461, § 2; 2011, No. 67, § 1; 2019, No. 910, §§ 4552-4556.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" throughout the section.

27-14-1013. Renewals of registration.

The owner of any permanent license plate issued by the Secretary of the Department of Finance and Administration may renew his or her registration:

(1) In person or by mail at a county revenue office or with the secretary;

(2) Electronically, using the electronic online registration process provided by the Department of Finance and Administration; or

(3) By telephone, using the telephone registration process provided by the department.

History. Acts 1967, No. 465, § 7; A.S.A. 1947, § 75-133.17; Acts 1991, No. 1005, § 3; 2011, No. 67, § 2; 2019, No. 910, §§ 4557, 4558.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language; and substituted "secretary" for "director" in (1).

27-14-1014. Application forms for renewals of registration.

(a)(1) The Secretary of the Department of Finance and Administration shall send application forms for all renewals of registration under this subchapter by:

(A) Regular mail sent to the most recent address of the owner of the motor vehicle as the owner's name and address appear on the records of the Office of Motor Vehicle; or

(B) Email sent to the address provided to the secretary by the motor vehicle owner in connection with a consent to receive the annual motor vehicle registration renewal notice and application forms by email.

(2) The secretary shall not be required to go beyond the face of the last registration.

(b) The failure of an owner to receive notice of expiration of his or her motor vehicle license shall not be construed as an extenuating circumstance for the failure of a motor vehicle owner to renew his or her license on time.

History. Acts 1967, No. 465, § 20; A.S.A. 1947, § 75-133.30; Acts 2011, No. 67, § 3; 2019, No. 910, §§ 4559-4561.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (a)(1)(B) and (a)(2).

27-14-1015. Payment of personal property taxes and listing for assessment required.

(a) The owner of every vehicle subject to registration in Arkansas shall assess the vehicle with the county tax assessor in the county where required by law and within the time required by law.

(b)(1) The county tax assessor and county tax collector shall provide to the Secretary of the Department of Finance and Administration updates to the state vehicle registration system to indicate whether or not the owner of each vehicle registered in the county has assessed the vehicle and owes no delinquent personal property taxes.

(2) The provisions of this section shall not apply to vehicles assessed by the Tax Division of the Arkansas Public Service Commission and registered under the provisions of the International Registration Plan, nor shall the provisions of this section apply to vehicles owned by the state, public schools, or political subdivisions of this state or any other vehicles which are not subject to annual assessment and payment of personal property taxes.

(3) The secretary shall provide free of charge to each county assessor and to each county collector in this state, such additional computer hardware, software, and telecommunications links as he or she deems are essential to allow the county assessors and collectors to electronically forward to the Department of Finance and Administration updates to the vehicle registration system for the purposes of adding, changing, or removing information identifying vehicles which have

been assessed within the time frame required by law, and vehicles for which the owners have paid personal property taxes within the time frame required by law.

(c) There is hereby levied a new fee of two dollars and fifty cents (\$2.50) for the sale of each annual license plate validation decal for a motor vehicle. This new fee shall be collected by the secretary at the same time the vehicle registration fees imposed by § 27-14-601 are collected. However, this new decal fee shall be accounted for separately from the registration fee. The amount shall be mandatory and is collected for the purpose of extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the secretary proof of assessment and payment of personal property taxes.

(d)(1) One dollar and fifty cents (\$1.50) of the amount collected by the secretary pursuant to subsection (c) of this section for each annual license plate validation decal shall not be deposited into the State Treasury but shall be remitted to the Arkansas Development Finance Authority.

(2) One dollar (\$1.00) of the amount collected by the secretary pursuant to subsection (c) of this section for each annual license plate validation decal shall be deposited into the State Treasury as direct revenues to the State Central Services Fund, there to be used by the Revenue Division of the Department of Finance and Administration in supporting those activities and programs which will facilitate extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the secretary proof of assessment and payment of personal property taxes or proof of automobile liability insurance coverage.

(3) All amounts derived from the new fee imposed by subsection (c) of this section for the sale of annual license plate validation decals, whether held by the secretary or the authority, which are to be remitted to the authority shall be cash funds not subject to appropriation and shall be used and applied by the authority only as provided in § 22-3-1225. The fees charged for the annual license plate validation decal and paid to the authority pursuant to subdivision (d)(1) of this section shall not be reduced or otherwise impaired during the time that the fees are pledged by the authority to the repayment of any of the authority's bonds issued in accordance with § 22-3-1225.

History. Acts 1967, No. 465, §§ 10, 11; 1969, No. 42, §§ 1, 2; 1975 (Extended Sess., 1976), No. 1200, §§ 2, 3; A.S.A. 1947, §§ 75-133.20, 75-133.21; reen. Acts 1987, No. 1000, § 2; Acts 1991, No. 1005, § 4; 1993, No. 233, § 1; 1997, No. 974, § 4; 2019, No. 910, §§ 4562-4565.

Amendments. The 2019 amendment,

in (b)(1), substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" and deleted the former second sentence; and substituted "secretary" for "director" throughout the section.

27-14-1016. Other information required.

The Secretary of the Department of Finance and Administration may require such other information of applicants as he or she deems necessary for the proper licensing of motor vehicles and the proper maintenance of a motor vehicle register.

History. Acts 1967, No. 465, § 12; A.S.A. 1947, § 75-133.22; Acts 2019, No. 910, § 4566.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1018. Issuance of annual tab or decal.

(a) In conjunction with the permanent license plate for a motor vehicle other than a commercial motor vehicle registered with the International Registration Plan, the Secretary of the Department of Finance and Administration shall issue a tab or decal annually or, when appropriate, to each qualified applicant as evidence of the annual payment of license fees.

(b) A motor vehicle owner shall affix and display the tab or decal in such place as the secretary shall designate.

History. Acts 1967, No. 465, §§ 17, 18; A.S.A. 1947, §§ 75-133.27, 75-133.28; Acts 2017, No. 532, § 9; 2019, No. 910, § 4567.

A.C.R.C. Notes. Acts 2017, No. 532, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The Department of Finance and Administration currently lacks clear authority and specific funding sources to adequately upgrade and modernize the registration process for commercial motor vehicles;

"(2) Due to current inefficiencies or technological limitations, commercial motor carriers that would otherwise register their commercial vehicles in the State of Arkansas are deterred from doing so;

"(3) The department should develop and implement rules, regulations, and procedures to facilitate an online system for administrative transactions and the registration of commercial motor vehicles that are registered with the International Registration Plan;

"(4) The law needs to be clarified to verify that license plates for commercial motor vehicles registered with the International Registration Plan should not be required to display an annual decal or tab;

"(5) An enhancement creating an online system for administrative transac-

tions and registration of commercial motor vehicles will facilitate and improve the services available to the commercial motor carrier industry;

"(6) Enhancements to the Arkansas Motor Carrier System will make available to the state additional revenues through a user-fee based system to finance the enhancements without requiring a general tax increase; and

"(7) Directing the department to develop rules, regulations, and procedures to implement the necessary enhancements and providing a funding mechanism to help offset the costs associated with the system enhancements will accomplish the state's goal of improving services and modernizing the Arkansas Motor Carrier System."

Amendments. The 2017 amendment inserted "for a motor vehicle other than a commercial motor vehicle registered with the International Registration Plan" in (a).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

27-14-1019. Changes of address.

(a) Every owner of a motor vehicle subject to this subchapter shall report to the Secretary of the Department of Finance and Administration any change of address from that listed when the vehicle was registered.

(b) The willful failure or neglect of an owner to report the change of address shall be a misdemeanor and shall subject the owner to the penalties provided by § 27-14-301 and shall relieve the secretary of any obligation of notifying the owner of expiration of his or her motor vehicle license and registration.

History. Acts 1967, No. 465, § 13; A.S.A. 1947, § 75-133.23; Acts 2019, No. 910, § 4568.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

27-14-1020. Rules.

The Secretary of the Department of Finance and Administration shall promulgate such reasonable rules and prescribe such forms as are necessary for the proper enforcement of this subchapter.

History. Acts 1967, No. 465, § 22; A.S.A. 1947, § 75-133.32; Acts 2019, No. 315, § 3099; 2019, No. 910, § 4569.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1021. Annual notification of requirements.

(a) The Secretary of the Department of Finance and Administration shall send to each vehicle owner in this state the following information:

(1) Notification of the requirement that each vehicle must be assessed and personal property taxes must be paid annually;

(2) Notification of the procedure and time period for annual assessment of personal property;

(3) Notification of the requirement that proof of liability insurance is required and must be maintained at all times in the vehicle; and

(4) Notification of the penalties contained in Arkansas law for:

(A) Failure to assess the vehicle or pay personal property taxes due;

(B) Failure to maintain liability insurance coverage on the vehicle; and

(C) Operation of an unsafe vehicle.

(b) The secretary may comply with the requirements set forth in subsection (a) of this section by including the information in the annual vehicle registration renewal notice sent to each vehicle owner by:

(1) Regular mail; or

(2) If the motor vehicle owner has given his or her consent, email.

(c) The secretary shall also cause to be displayed, in conspicuous fashion, at each revenue office in this state, the information set forth in subsection (a) of this section.

History. Acts 1997, No. 974, § 17; 2011, No. 67, § 4; 2019, No. 910, §§ 4570-4572.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b) and (c).

SUBCHAPTER 11 — SPECIAL PERSONALIZED PRESTIGE LICENSE PLATES

SECTION.

27-14-1101. Authority to issue for passenger cars.

SECTION.

27-14-1104. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1101. Authority to issue for passenger cars.

(a) The Secretary of the Department of Finance and Administration shall provide for and issue special personalized prestige license plates for passenger automobiles and motorcycles.

(b) The special personalized prestige license plates shall be issued in addition to the regular license plates for the vehicles, upon application therefor and the payment of an annual fee of twenty-five dollars (\$25.00) in addition to the regular registration fee prescribed for the vehicle to which the special personalized prestige license plate is to be attached.

(c) No identical special personalized prestige license plates shall be issued for different vehicles for the same year.

History. Acts 1967, No. 194, § 1; 1979, No. 440, § 3; A.S.A. 1947, § 75-201.3; Acts 1989, No. 31, § 1; 2019, No. 910, § 4573.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-14-1104. Rules.

(a) The Secretary of the Department of Finance and Administration is authorized to promulgate rules regarding the maximum and minimum number of letters, numbers, or symbols on special personalized prestige license plates issued under this subchapter.

(b) The secretary may also promulgate such other rules as shall be deemed necessary or desirable for effectively carrying out the intent and purposes of this subchapter and the laws of this state relative to the regulation and licensing of motor vehicles.

History. Acts 1967, No. 194, § 3; A.S.A. 1947, § 75-201.5; Acts 2019, No. 315, § 3100; 2019, No. 910, § 4574.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in (a) and (b).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

SUBCHAPTER 12 — PERMANENT TRAILER LICENSING ACT OF 1979

SECTION.

27-14-1202. Definitions.

27-14-1204. Penalties.

27-14-1206. Time and place for registration or renewal.

27-14-1207. Information required of applicant.

27-14-1209. Issuance of registration certificate.

27-14-1210. Fee.

SECTION.

27-14-1211. Issuance of permanent plate.

27-14-1212. Issuance of reflectorized plates.

27-14-1213. Distribution of renewal applications.

27-14-1214. Renewal of registration.

27-14-1217. Report of change of address.

27-14-1218. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1202. Definitions.

(a) As used in this subchapter:

(1) "Decal" means an attachable material of such form and substance as the Secretary of the Department of Finance and Administration may prescribe by rule;

(2) [Repealed.]

(3) "Proper application" means a completed application form which meets all of the requirements relevant to securing a trailer license, including the submission of proper fees within the required time; and

(4) "Trailer" means utility trailers, horse trailers, dog trailers, and other small and medium-sized trailers having a gross loaded weight not in excess of six thousand pounds (6,000 lbs.).

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code.

History. Acts 1979, No. 671, § 2; A.S.A. 1947, § 75-253.2; Acts 2017, No. 448, § 16; 2019, No. 315, § 3101; 2019, No. 910, § 4575.

Amendments. The 2017 amendment repealed (a)(2).

The 2019 amendment by No. 315 deleted "or regulation" following "rule" in (a)(1).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1).

27-14-1204. Penalties.

(a) Any owner of a trailer failing to comply with the provisions of this subchapter shall be subject to the penalties provided for in § 27-14-304.

(b) The failure of the trailer owner to affix and display the permanent license plates, the tab or decal, or the registration card, in the places designated by the Secretary of the Department of Finance and Administration, shall be a misdemeanor subject to the penalties provided by § 27-14-301.

History. Acts 1979, No. 671, §§ 8, 18; A.S.A. 1947, §§ 75-253.8, 75-253.18; Acts 2015, No. 1158, § 1; 2019, No. 910, § 4576.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b).

27-14-1206. Time and place for registration or renewal.

(a) An applicant may apply, in person or by mail, for the issuance of permanent license plates to the revenue collector in the county where he or she resides or to the Secretary of the Department of Finance and Administration.

(b) Thirty (30) days before the expiration of a license, the secretary shall notify the owner of a registered trailer subject to this subchapter at the last address of the owner of the trailer as the owner's name and address appear on the records of the Office of Motor Vehicle, but the secretary is not required to go beyond the face of the last registration statement.

(c)(1) A proper application for registration or renewal of a registration by mail must be postmarked not later than fifteen (15) days before the date for renewal in order to allow time for processing.

(2) The secretary is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail.

History. Acts 1979, No. 671, § 15; A.S.A. 1947, § 75-253.15; Acts 2001, No. 330, § 3; 2019, No. 910, § 4577.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and

Administration" in (a); substituted "secretary" for "director" twice in (b), and once in (c)(2); and deleted "issued prior to January 1, 2002" following "license" in (b), and following the second occurrence of "registration" in (c)(1).

27-14-1207. Information required of applicant.

The Secretary of the Department of Finance and Administration may require such other information of applicants as he or she deems necessary for the proper licensing of trailers and the proper maintenance of a trailer register.

History. Acts 1979, No. 671, §§ 10, 12; A.S.A. 1947, §§ 75-253.10, 75-253.12; Acts 1997, No. 974, § 2; 2019, No. 910, § 4578.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1209. Issuance of registration certificate.

(a) The Secretary of the Department of Finance and Administration shall issue to each owner of a trailer subject to this subchapter a registration certificate, which must be kept in the place prescribed by the secretary.

(b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

History. Acts 1979, No. 671, § 20; A.S.A. 1947, § 75-253.20; Acts 2019, No. 910, § 4579.

Amendments. The 2019 amendment, in (a), substituted "Secretary of the De-

partment of Finance and Administration" for "Director of the Department of Finance and Administration" and "secretary" for "director".

27-14-1210. Fee.

(a) Upon registration, the owner of every trailer of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Secretary of the Department of Finance and Administration upon the payment of the fee set forth in § 27-14-601.

(b) For the purpose of calculating any license fees due, each fraction of a dollar more than fifty cents (50¢) shall be treated as a whole dollar, and each fraction of a dollar less than fifty cents (50¢) shall be disregarded.

History. Acts 1979, No. 671, §§ 6, 9; A.S.A. 1947, §§ 75-253.6, 75-253.9; Acts 2001, No. 330, § 4; 2019, No. 910, § 4580.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a).

27-14-1211. Issuance of permanent plate.

(a) The Secretary of the Department of Finance and Administration is authorized to issue to the owner of a trailer subject to this subchapter a permanent license plate, subject to replacement, upon payment of the fee set forth in § 27-14-601.

(b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

History. Acts 1979, No. 671, § 4; A.S.A. 1947, § 75-253.4; Acts 2001, No. 330, § 5; 2019, No. 910, § 4581.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

Amendments. The 2019 amendment

27-14-1212. Issuance of reflectorized plates.

(a) The Secretary of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.

(b) These license plates shall be attached to the trailer in such manner as he or she shall prescribe.

(c) No identical license plates shall be issued for more than one (1) trailer.

History. Acts 1979, No. 671, § 14; A.S.A. 1947, § 75-253.14; Acts 2019, No. 910, § 4582.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

Amendments. The 2019 amendment

27-14-1213. Distribution of renewal applications.

(a) The Secretary of the Department of Finance and Administration shall mail application forms for all renewals of registration under this subchapter issued prior to January 1, 2002, to the last address of the owner of the trailer as the owner's name and address appear on the records of the Office of Motor Vehicle.

(b) The secretary shall not be required to go beyond the face of the last registration, and the failure of an owner to receive notice of expiration of his or her trailer license shall not be construed as an extenuating circumstance for the failure of a trailer owner to renew his or her license on time.

History. Acts 1979, No. 671, § 19; A.S.A. 1947, § 75-253.19; Acts 2001, No. 330, § 6; 2019, No. 910, § 4583.

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

Amendments. The 2019 amendment substituted "Secretary of the Department

27-14-1214. Renewal of registration.

(a) The owner of any permanent license plate issued by the Secretary of the Department of Finance and Administration prior to January 1, 2002, may renew his or her registration, in person or by mail, at a county revenue office or with the secretary during any day from thirty (30) days prior to the date on which his or her registration shall expire.

(b) Upon receiving notification by the secretary of his or her new permanent registration date, the applicant shall, within the time prescribed by the secretary, pay the fee set forth in § 27-14-601.

History. Acts 1979, No. 671, § 7; A.S.A. 1947, § 75-253.7; Acts 2001, No. 330, § 7; 2019, No. 910, § 4584.

Amendments. The 2019 amendment, in (a), substituted "Secretary of the De-

partment of Finance and Administration" for "Director of the Department of Finance and Administration" and substituted "secretary" for "director".

27-14-1217. Report of change of address.

(a) Every owner of a trailer subject to this subchapter shall report to the Secretary of the Department of Finance and Administration any change of address from that listed when the trailer was registered.

(b) The willful failure or neglect of an owner to report a change of address shall:

- (1) Be a misdemeanor;
- (2) Subject the owner to the penalties provided by § 27-14-301; and
- (3) Relieve the secretary of any obligation of notifying the owner of expiration of his or her trailer license and registration.

History. Acts 1979, No. 671, § 13; A.S.A. 1947, § 75-253.13; Acts 2019, No. 910, §§ 4585, 4586.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b)(3).

27-14-1218. Rules.

The Secretary of the Department of Finance and Administration shall promulgate such reasonable rules and prescribe such forms as are necessary for the proper enforcement of this subchapter.

History. Acts 1979, No. 671, §§ 21, 25; A.S.A. 1947, § 75-253.21; Acts 2019, No. 315, § 3102; 2019, No. 910, § 4587.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

SUBCHAPTER 13 — TRUCKS AND TRAILERS

SECTION.

27-14-1301. Penalty.

27-14-1303. Administration.

27-14-1304. Rules.

SECTION.

27-14-1305. Annual report.

27-14-1306. Commercial vehicle temporary license plates.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1301. Penalty.

(a) Every person who violates or who procures, aids, or abets violation of any of the provisions of this subchapter and any person who refuses or fails to obey any order, decision, or rule made under or pursuant to this subchapter shall be deemed guilty of a misdemeanor.

(b) Upon conviction, violators shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) or by imprisonment for not more than three (3) months, or by both a fine and imprisonment.

History. Acts 1949, No. 235, § 9; A.S.A. 1947, § 75-259; Acts 2019, No. 315, § 3103.

Amendments. The 2019 amendment substituted "or rule" for "rule, or regulation" in (a).

27-14-1303. Administration.

The Secretary of the Department of Finance and Administration is authorized and directed to supply license plates to properly designate or identify the various classes of vehicles covered in this subchapter and to enforce this subchapter.

History. Acts 1949, No. 235, § 4; A.S.A. 1947, § 75-255; Acts 2019, No. 910, § 4588.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1304. Rules.

(a)(1) The Secretary of the Department of Finance and Administration shall promulgate rules and prescribe forms for the proper enforcement of this subchapter.

(2) The rules and forms shall be dated and issued under a systematic method of numbering.

(b)(1) A complete file of all rules and forms shall be kept in the office of the secretary.

(2) Copies of the rules and forms shall be made available to any person requesting them.

History. Acts 1949, No. 235, § 3; A.S.A. 1947, § 75-254; Acts 2019, No. 315, § 3104; 2019, No. 910, § 4589, 4590.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in (a)(1); and deleted "regulations" following "rules" in (a)(2) and throughout (b).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (b)(1).

27-14-1305. Annual report.

(a) Annually, on or before December 31 of each year, the Secretary of the Department of Finance and Administration shall make a report of his or her administration of this subchapter to the Governor.

(b) The annual report shall include, among other things, facts and statistics relating to the effect of the administration of this subchapter upon all affected thereby.

History. Acts 1949, No. 235, § 6; A.S.A. 1947, § 75-257; Acts 2019, No. 910, § 4591.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-14-1306. Commercial vehicle temporary license plates.

(a)(1) The Chief Fiscal Officer of the State is authorized to design and issue commercial vehicle temporary license plates for use in cases where commercial operators desire to operate temporarily in this state for a period not to exceed seventy-two (72) hours.

(2) These license plates shall not be valid in any event for more than seventy-two (72) hours.

(3) These license plates shall be issued for a fee of thirty-three dollars (\$33.00).

(4) These license plates may be issued for a single unit of a tractor-trailer combination.

(b) The Chief Fiscal Officer of the State is authorized to promulgate such rules as he or she deems necessary for the proper enforcement of this section.

(c) This section is in no respect to be considered as a repeal of any of the motor vehicle laws already in effect, specifically §§ 27-14-1804 —

27-14-1806 and 27-14-2102. This section shall be construed as supplementary thereto.

History. Acts 1975 (Extended Sess., 1976), No. 1179, §§ 1-3; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-293 — 75-293.2; reen. Acts 1987, No. 589, §§ 1-3; reen. 1987, No. 992, §§ 1-3; 2019, No. 315, § 3105.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (b).

SUBCHAPTER 14 — BUSES

SECTION.

27-14-1403. Community or farm-to-market buses — Definition.

27-14-1403. Community or farm-to-market buses — Definition.

(a) As used in this section, “community or farm-to-market bus” means any bus operating under and by authority of the Arkansas Department of Transportation which is privileged to operate as a common carrier for hire within the State of Arkansas and which has a home office that is domiciled within this state, and where the privilege does not extend beyond the territory of fifty (50) miles for any operation, shall be termed a “community or farm-to-market bus”.

(b) The annual license fee to be collected from the owners of community or farm-to-market buses operating under authority of the department for hire, whose operations do not extend beyond fifty (50) miles, shall be the sum of one hundred thirty dollars (\$130).

History. Acts 1941, No. 354, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-209, 75-210; Acts 2017, No. 707, § 325.

substituted “Department of Transportation” for “State Highway and Transportation Department” in (a).

Amendments. The 2017 amendment

SUBCHAPTER 15 — TAXICABS

SECTION.

27-14-1501. Liability insurance prerequisite to licensing.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding

the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health,

and safety shall become effective on July 1, 2019.”

27-14-1501. Liability insurance prerequisite to licensing.

(a) No license shall be issued for any taxicab, automobile, or similar vehicle used for hire, nor shall these vehicles be operated or used in and upon the streets, roads, and highways of the State of Arkansas, within or without the corporate limits of any city or village, for the purpose of carrying passengers for hire unless there shall have been filed with the Secretary of the Department of Finance and Administration a liability contract of insurance, or certificates of insurance, issued to the owner of the vehicle, which shall be substantially in the form of the standard automobile liability insurance policy in customary use, to be approved by the secretary, and issued by an insurance company licensed to do business in the State of Arkansas.

(b) The policy shall secure payment in accordance with the provisions thereof to any person except employees or joint venturers of the owner for personal injuries to that person and for any damage to property except property owned by, rented to, leased to, in charge of, or transported by the owner, other than baggage of passengers, caused by the operation of a taxicab, automobile, or similar vehicle used for hire for at least the minimum amounts prescribed for liability insurance under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

(c)(1) In lieu of the policy of insurance, an owner may file a bond by some solvent surety company licensed to do business in this state or may file a bond by suitable collateral.

(2)(A) The bond or collateral shall be in the form approved by the secretary and shall be conditioned for the payment of property damage and personal injuries and shall be in an amount no less than fifty thousand dollars (\$50,000) for all claims for the operator's fleet, and uninsured motorist coverage shall not be required of the operators.

(B) If the bond or collateral becomes insufficient because of claims or any other reason, the operator shall have seven (7) days to restore it to the full amount or lose its bonded status.

(d) In lieu of the policy of insurance or bond, an owner may provide self-insurance as authorized under § 27-19-107.

(e)(1) No policy of insurance may be cancelled by the licensee or by the insurance carrier unless written notice of the cancellation shall have been mailed to the secretary.

(2) The written notice shall state the exact time and date of cancellation to be not less than seven (7) days from the date of mailing.

(3) The mailing of notice shall be sufficient proof of notice, and the effective date of cancellation stated in the notice shall become the end of the policy period.

(f) Any individual or corporation engaged in the operation of a taxicab, etc., as a common carrier of passengers for hire who violates

this section or who procures, aids, or abets any individual or corporation in violating this section shall, upon conviction, be guilty of a Class B misdemeanor.

(g)(1) Notwithstanding any other provision of state law, any municipality in a county with a population in excess of two hundred thousand (200,000) that requires a franchise for taxicabs to operate within the corporate limits of the municipality may impose any insurance requirements desired by the municipality that shall be applicable to any taxicab that operates within the municipality.

(2) If a municipality imposes such insurance requirements on its taxicabs, it shall be unlawful for any taxicab operator to operate a taxicab within the corporate limits of that municipality without meeting such insurance requirements. Any person found guilty or who pleads guilty or nolo contendere to a charge of violating this subsection shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(3) In addition to penalties that may be assessed against the taxicab operator, if the taxicab owner is a different person or entity, the owner shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(4) A municipality may, by ordinance, declare that an uninsured taxicab shall be subject to seizure and that a seized taxicab shall not be released until such insurance is in place.

History. Acts 1949, No. 485, §§ 1-3; 1961, No. 473, § 1; 1985, No. 969, § 1; A.S.A. 1947, §§ 75-203 — 75-205; Acts 1989, No. 689, § 1; 1997, No. 1223, § 1; 2003, No. 1152, §§ 1, 2; 2019, No. 910, §§ 4593-4595.

substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in (a), (c)(2)(A), and (e)(1).

Amendments. The 2019 amendment

SUBCHAPTER 16 — MANUFACTURED HOMES AND MOBILE HOMES

SECTION.

27-14-1602. Registration — Fee.

27-14-1603. Cancellation of title.

27-14-1604. Issuance of new title in the event of severance — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that

the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1602. Registration — Fee.

(a)(1) An owner of a manufactured home or a mobile home shall register the manufactured home or mobile home with the Office of Motor Vehicle for the purpose of receiving a certificate of title to the manufactured home or the mobile home or for any other purpose.

(2) Subdivision (a)(1) of this section does not apply to:

(A) A manufactured home or mobile home for which a certificate of origin, original document of title, or existing document of title has been cancelled or surrendered under § 27-14-1603; or

(B) A manufactured home or mobile home held for sale or resale by a licensed retailer, financial institution, beneficiary, mortgagee or the mortgagee's attorney-in-fact or trustee, or other holder in due course.

(b) A certificate of title shall be issued upon the payment of a registration fee of twenty-six dollars (\$26.00) and a title fee of ten dollars (\$10.00).

History. Acts 1973, No. 176, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-132.1; Acts 2001, No. 1118, § 2; 2005, No. 1991, § 7; 2013, No. 592, § 1; 2017, No. 384, § 1.

Amendments. The 2017 amendment redesignated former (a) as (a)(1); deleted "be permitted to" following "shall" in (a)(1); and added (a)(2).

27-14-1603. Cancellation of title.

(a) If a manufactured home or a mobile home is to be affixed to real estate, the manufacturer's certificate of origin or the original document of title may be surrendered to the Department of Finance and Administration for cancellation.

(b) The department shall cancel a certificate of origin or the original document of title to a manufactured home or mobile home upon receipt of:

(1) The original manufacturer's certificate of origin or the original document of title showing an assignment of the manufactured home or mobile home to the party that will affix the manufactured home or mobile home to the real estate;

(2) An application for cancellation of the manufacturer's certificate of origin or the original document of title; and

(3)(A) A copy of an affidavit of affixation to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home is to be affixed.

(B) The affidavit of affixation shall include:

(i) The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home or mobile home;

(ii) A statement that the party executing the affidavit of affixation is:

(a) The owner of the real estate described in the affidavit of affixation; or

(b) Authorized by the owner of the real estate described in the affidavit to execute the affidavit of affixation on the owner's behalf;

(iii) The street address and the legal description of the real estate to which the manufactured home or mobile home is or shall be permanently affixed; and

(iv) One (1) of the following statements and applicable information:

(a) If the manufactured home or mobile home is subject to a security interest or lien:

(1) The name and address of each party holding a security interest or lien whether shown on a certificate of title issued by the department or otherwise perfected;

(2) The original principal amount secured by each security interest or lien; and

(3) A statement that each security interest or lien shall be released that attaches proof of the commitment to release the security interest or lien executed by the holder of the security interest or lien; or

(b) A statement that if a security interest or lien on the manufactured home or mobile home previously existed, the security interest or lien has been released that attaches proof of the release executed by the holder of the security interest or lien.

(c) The department shall also cancel an existing title or manufacturer's certificate of origin to any manufactured home or mobile home to be affixed to real estate if the owner affixing the home:

(1) Presents a court order directing the department to issue a title for cancellation, an application for cancellation of title or manufacturer's certificate of origin, and a copy of an affidavit of affixation to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home is to be affixed; or

(2) Follows the bonded title procedure of this state under § 27-14-409(c) and submits an application for cancellation of title or manufacturer's certificate of origin and a copy of an affidavit of affixation to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home is to be affixed.

(d) The Secretary of the Department of Finance and Administration may promulgate rules to administer this section.

History. Acts 2001, No. 1118, § 3; 2005, No. 1991, § 3; 2013, No. 592, § 2; 2019, No. 910, § 4596.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (d).

27-14-1604. Issuance of new title in the event of severance — Definitions.

(a) As used in this section:

(1) "Lender applicant" means an individual or entity that intends to sever a manufactured home or mobile home from the real estate to which it is affixed and is a lender that holds a lien, security interest, or encumbrance against the manufactured home or mobile home for which a title has been cancelled under § 27-14-1603; and

(2) "Owner applicant" means an individual or entity that intends to sever a manufactured home or mobile home from the real estate to which it is affixed and is the owner or purchaser of the manufactured home or mobile home.

(b) The Department of Finance and Administration shall issue a new certificate of title for a manufactured home or mobile home to be severed from the real estate to which it is affixed upon receipt of the following from a lender applicant or an owner applicant:

(1) A completed application for title accompanied by payment of a registration fee of twenty-six dollars (\$26.00) and a title fee of ten dollars (\$10.00);

(2) Proof of payment of the current year's property taxes, if any;

(3) The following information:

(A) A statement from:

(i) The owner applicant that there are no liens, security interests, or encumbrances upon the manufactured home or mobile home; or

(ii) The lender applicant that there are no liens, security interests, or encumbrances upon the manufactured home or mobile home other than that of the lender applicant; and

(B) A statement from an attorney licensed to practice law in Arkansas or a title insurance agent licensed in Arkansas that the manufactured home or mobile home is free and clear of, or has been released from, all recorded liens, security interests, or encumbrances other than that of a lender applicant;

(4)(A) A copy of an affidavit of severance to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home was affixed.

(B) The affidavit of severance shall include the name, residence, and mailing address of the applicant and a description of the manufactured home or mobile home, including without limitation the name of the manufacturer, make, model name, model year, dimensions, and the manufacturer's serial number of the manufactured home or mobile home; and

(5) Relevant supporting documents and recording information concerning a lien, security interest, or encumbrance upon the manufactured home or mobile home if requested by the department.

(c) The department shall record the lien of a lender applicant on the certificate of title to be issued under this section upon receipt of a copy of the instrument creating and evidencing the lien as required under § 27-14-802.

(d) The department shall also issue a new certificate of title for a manufactured home or mobile home to be severed from the real estate to which it is affixed if the applicant:

(1) Presents a court order directing the department to issue a new title and submits an application for issuance of a new certificate of title or manufacturer's certificate of origin and a copy of an affidavit of severance to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home is to be affixed; or

(2) Follows the bonded title procedure under § 27-14-409(c), and submits an application for cancellation of title or manufacturer's certificate of origin and a copy of an affidavit of affixation to be recorded under § 14-15-402 in the county in which the manufactured home or mobile home is to be affixed.

(e) The Secretary of the Department of Finance and Administration may promulgate rules to implement and administer this section.

History. Acts 2013, No. 592, § 3; 2019, No. 910, § 4597.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (e).

SUBCHAPTER 17 — LICENSE PLATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS

SECTION.

- 27-14-1701. Operation of vehicles under special plates.
- 27-14-1703. Expiration of special plates.
- 27-14-1704. Dealer's extra license plates.
- 27-14-1705. Temporary preprinted paper buyer's tags.

SECTION.

- 27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.
- 27-14-1707. Authority to promulgate rules.
- 27-14-1708. Temporary tag database.

Effective Dates. Acts 2015, No. 705, § 5: Oct. 1, 2015. Effective date clause provided: "Sections 1 through 4 of this act are effective on the first day of the calendar quarter following the effective date of this act."

Acts 2017, No. 1119, § 4: Nov. 13, 2017.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections

of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1701. Operation of vehicles under special plates.

(a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move it upon the highways solely for purposes of transporting it without registering each vehicle, upon condition that any such vehicle display a special plate or temporary preprinted paper tag and any correlating stickers that are to be placed on the preprinted paper tag issued to the owner as provided in this subchapter.

(b)(1) A transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery, upon displaying a special plate issued to him or her as provided in § 27-14-1806.

(2) The transporter shall submit proof of his or her status as a bona fide transporter as may reasonably be required by the Office of Motor Vehicle.

(c) The provisions of this subchapter shall not apply to work or service vehicles owned by a manufacturer, transporter, or dealer.

(d)(1) The Secretary of the Department of Finance and Administration shall provide the specifications, form, and color of the special temporary preprinted paper tag and any correlating stickers that are to be placed on the preprinted paper tag required under this section.

(2)(A) Temporary preprinted paper tags issued to manufacturers or dealers for transport purposes shall have the following information printed on them:

- (i) The date of expiration;
- (ii) The vehicle year, make, and model;
- (iii) The vehicle identification number;
- (iv) The name of the issuing dealer; and
- (v) Other information that may be required by the office.

(B) In addition, the expiration date of the preprinted paper tag shall be shown in ink on the tag in a place to be determined by the office.

(C) The expiration date shall be covered by a sticker for added security.

(e) In addition to any other penalty prescribed by this chapter, a dealer, manager, sales manager, or salesperson of the dealer, or manufacturer who pleads guilty or nolo contendere to or is found guilty of the misuse of a special temporary preprinted paper tag and any correlating stickers that are to be placed on the tag and issued under this section or of allowing anyone else to misuse a special temporary preprinted paper tag, and the correlating stickers that are to be placed on the tag shall be fined not more than:

- (1) Two hundred fifty dollars (\$250) for the first offense;
- (2) Five hundred dollars (\$500) for the second offense; and
- (3) One thousand dollars (\$1,000) for the third offense and subsequent offenses.

History. Acts 1949, No. 142, § 62; 1929, § 2; 2009, No. 484, § 2; 2019, No. A.S.A. 1947, § 75-162; Acts 2005, No. 910, § 4598.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (d)(1).

27-14-1703. Expiration of special plates.

(a)(1) Every special plate, excluding temporary preprinted paper tags, issued under this subchapter shall expire at 12:00 midnight on December 31 of each year unless the Secretary of the Department of Finance and Administration provides by rule a staggered method of annual expiration.

(2) A new plate for the ensuing year may be obtained by the person to whom any such expired plate was issued, upon application to the Office of Motor Vehicle and payment of the fee provided by law.

(b) In lieu of providing a new special plate upon the expiration of the special plate issued under this subchapter, the secretary may by rule provide for the issuance of permanent special plates that are renewed using an alternate method.

History. Acts 1949, No. 142, § 64; A.S.A. 1947, § 75-164; Acts 2005, No. 661, § 1; 2009, No. 484, § 4; 2017, No. 448, § 17; 2019, No. 910, §§ 4599, 4600.

Amendments. The 2017 amendment substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" in (a)(1); and substituted "director" for "commissioner" in (b).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (b).

27-14-1704. Dealer's extra license plates.

(a) Each dealer as defined in § 27-14-601(a)(6) shall furnish the Secretary of the Department of Finance and Administration with a list of each manager, sales manager, and salesperson authorized to operate a motor vehicle to which a dealer's extra license plate issued to the dealer has been or will be attached:

(1) Upon initial application for dealer's extra license plates as provided in § 27-14-1702; and

(2) Upon renewal of dealer's extra license plates as provided in § 27-14-1703.

(b) The dealer's extra license plate may be used only by the dealer, manager, or salesperson of the dealer and only for the following purposes:

(1) To drive to and from work;

(2) For business or personal trips inside or outside the dealer's county of residence;

(3) To transport the vehicle; or

(4) To demonstrate the vehicle.

(c) Neither the dealer's extra license plate issued under this section nor the dealer's master plate issued under § 27-14-601(a)(6) shall be used for purposes of allowing a prospective buyer to test drive a vehicle

unless the dealer, manager, or salesperson of the dealer is present in the vehicle.

(d) In addition to any other penalty prescribed by this chapter, any dealer, manager, salesperson, or employee of a dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's extra license plate or dealer's master plate or of allowing anyone else to misuse a dealer's extra license plate or dealer's master plate shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

(e)(1)(A) In addition to any other penalty prescribed by this chapter, the secretary may suspend some or all dealer's extra license plates issued to a dealer if the secretary determines that the dealer or any manager, sales manager, or salesperson of the dealer either misused a dealer's extra license plate or allowed the use of a dealer's extra license plate by a person who is not authorized by this section to use a dealer's extra license plate.

(B) A suspension of the dealer's extra license plates under this section does not require that the dealer's master license plate be suspended.

(C) The secretary shall:

(i) Notify the dealer in writing of a suspension of the dealer's extra license plates that is authorized under this section; and

(ii) Provide information regarding the misuse or unauthorized use upon which the suspension was based in the notice.

(D) The dealer's extra license plates shall be suspended for:

(i) Six (6) months for the first misuse or unauthorized use of the dealer's extra license plates; or

(ii) One (1) year for any subsequent misuse or unauthorized use.

(2)(A) Any dealer who desires a hearing on the suspension shall notify the secretary in writing within twenty (20) days after receipt of the notice of suspension.

(B) A hearing officer appointed by the secretary shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration in the county of the dealer's principal place of business, unless the secretary and the dealer agree to another location for the hearing or agree that the hearing shall be held by telephone.

(C) Hearings conducted under this section shall be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer shall render his or her decision in writing to modify, reverse, or affirm the suspension of the dealer's extra license plates based upon the evidence presented at the hearing and shall serve a copy of the decision on the dealer.

(3)(A)(i) If the decision sustains, in whole or in part, the suspension of the dealer's extra license plates, the dealer may file suit within thirty (30) days of receipt of the decision in the Pulaski County

Circuit Court or the circuit court of the county of the dealer's principal place of business.

(ii) The dealer shall serve a copy of the petition on the secretary.

(iii) The appeal will not operate as a stay of the order of suspension that will remain in effect and be terminated only in the event a decision reversing the suspension is issued by the circuit court.

(B) An appeal from the circuit court shall be in accordance with the laws governing appeals.

History. Acts 2005, No. 1929, § 4; 2011, No. 606, § 1; 2019, No. 910, §§ 4601-4605.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" throughout (e).

27-14-1705. Temporary preprinted paper buyer's tags.

(a)(1)(A) A person who buys a motor vehicle from a licensed dealer shall be required to obtain one (1) temporary preprinted paper buyer's tag for the vehicle and any correlating sticker that is to be placed on the tag.

(B) The preprinted paper buyer's tag may be issued by an approved licensed dealer, vendor, or the Office of Motor Vehicle.

(2)(A) A person who buys a motor vehicle from a licensed dealer that cannot issue temporary preprinted paper buyer's tags shall:

(i) Obtain the preprinted paper buyer's tag and sticker within ten (10) calendar days after the date of purchase of the vehicle from an approved vendor or the Office of Motor Vehicle;

(ii) Provide to the vendor or the Office of Motor Vehicle a copy of the bill of sale or other documentation necessary to verify the dealer's name, the buyer's name, the date of sale, the motor vehicle's vehicle identification number, and the make, color, and model of the vehicle; and

(iii) Maintain a copy of the bill of sale for the motor vehicle in the vehicle until the buyer obtains the preprinted paper buyer's tag and sticker.

(B) A person who fails to obtain a preprinted paper buyer's tag and sticker within ten (10) calendar days of the date of purchase of the vehicle is subject to the fines in this section.

(b)(1) The temporary preprinted paper buyer's tag is valid for the operation of the vehicle until the earlier of:

(A) The date on which the vehicle is registered; or

(B) The thirtieth calendar day after the date of purchase.

(2)(A) If the date that a transferee of a motor vehicle must register the vehicle is extended under § 27-14-903(a)(2), the dealer may issue one (1) additional temporary preprinted paper buyer's tag and sticker to the transferee, to expire thirty (30) calendar days from the date that the additional temporary preprinted paper buyer's tag was issued.

(B)(i) If the dealer cannot issue preprinted paper buyer's tags, the transferee may obtain a temporary preprinted paper buyer's tag from the Office of Motor Vehicle.

(ii) The additional preprinted paper buyer's tag expires thirty (30) calendar days from the date the additional tag was issued.

(c)(1)(A) The following information shall be printed by the dealer, the vendor, or the Office of Motor Vehicle on the face of the temporary preprinted paper buyer's tags:

(i) The actual date of sale;

(ii) The date of expiration;

(iii) The vehicle year, make, and model;

(iv) The vehicle identification number;

(v) The name of the issuing dealer; and

(vi) Other information required by the Office of Motor Vehicle.

(B) The expiration date of the preprinted paper buyer's tag shall be shown in ink on the preprinted paper buyer's tag in a place to be determined by the Office of Motor Vehicle, and the date shall be covered by a sticker for added security.

(2) A dealer that issues a temporary preprinted paper buyer's tag shall indicate on the bill of sale that a temporary preprinted paper buyer's tag was issued in order to facilitate collection of the fees required by this subchapter.

(d)(1)(A) The temporary preprinted paper buyer's tag issued under this section shall be placed at the location provided for the permanent motor vehicle license plate.

(B)(i) The temporary preprinted paper buyer's tag shall be covered by a translucent material that protects the temporary tag until the tag's expiration.

(ii) The translucent material covering the tag shall be approved by the Office of Motor Vehicle.

(C)(i) The information on the tag shall be visible and readable when viewing the temporary tag covered with the translucent material.

(ii) The translucent material shall cover the tag in the manner approved by the Office of Motor Vehicle.

(D) A dealer that issues a temporary preprinted paper buyer's tag shall insert the tag into the translucent material and attach the tag to each vehicle the dealer sells to keep the tag in place and readable when the vehicle is in use.

(2) If a preprinted paper buyer's tag placed at the location provided for the permanent motor vehicle license plate becomes damaged or destroyed, the motor vehicle purchaser shall be required to register the vehicle under § 27-14-705 or obtain a replacement preprinted paper buyer's tag from the original issuing dealer or from the Office of Motor Vehicle.

(3) The replacement preprinted paper buyer's tag shall expire on the expiration date of the original preprinted paper buyer's tag.

(e) The Secretary of the Department of Finance and Administration shall provide the specifications, form, and color of the temporary preprinted paper buyer's tag.

(f)(1)(A) The buyer shall be responsible for paying to the secretary a fee to be set by the secretary, which shall not exceed five dollars and fifty cents (\$5.50), for each temporary preprinted paper buyer's tag and any correlating sticker the buyer receives.

(B) This fee shall be collected at the time the buyer registers the vehicle under § 27-14-705.

(2) The gross receipts or gross proceeds derived from the sale or issuance of temporary preprinted paper buyer's tags under this section shall be exempt from the Arkansas gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and any other state or local tax administered under those chapters.

(3)(A) Except as provided in subdivision (f)(3)(B) of this section, all fees collected by the secretary under this section shall be deposited into the State Treasury, and the Treasurer of State shall credit them as general revenues to the General Revenue Fund Account of the State Apportionment Fund.

(B) The amount in excess of the first three dollars (\$3.00) of the fee collected under subdivision (f)(1)(A) of this section shall be deposited into the State Treasury, and the Treasurer of State shall credit it as cash revenue to the credit of the Revenue Division of the Department of Finance and Administration to offset administrative costs.

(g)(1) For each temporary preprinted paper buyer's tag provided to a buyer, the issuer shall retain documentation containing:

(A) The dealer's name and master license plate number;

(B) The buyer's name;

(C) The date the temporary preprinted paper buyer's tag was issued;

(D) The vehicle's vehicle identification number;

(E) The make and model of the vehicle; and

(F) The expiration date of the temporary preprinted paper buyer's tag.

(2) An issuer of preprinted paper buyer's tags shall provide the documentation required to be retained by subdivision (g)(1) of this section to the Office of Motor Vehicle on the date of sale for entry into the vehicle temporary tag database provided in § 27-14-1708.

(h)(1)(A) In addition to any other penalty prescribed by this section, the secretary may suspend or terminate a dealer's authority to issue temporary preprinted paper buyer's tags if the secretary determines that the dealer, manager, salesperson, or employee of the dealer:

(i) Issues more than one (1) temporary preprinted paper buyer's tag to the same buyer for the same motor vehicle, except as authorized under subdivision (b)(2) or subdivision (d)(2) of this section; or

(ii) Utilizes a temporary preprinted paper buyer's tag for any use other than a use authorized by subsections (b) and (d) of this section.

(B) In addition to any other penalty prescribed by this section, if the secretary determines that the dealer, or a manager, salesperson, or employee of the dealer, has violated this subsection, the secretary may impose a penalty equal to ten dollars (\$10.00) for each inappropriately issued temporary preprinted paper buyer's tag.

(2) The secretary shall:

(A) Notify the dealer in writing of the imposition of a penalty or of a suspension or termination of the dealer's authority to issue temporary preprinted paper buyer's tags under this section; and

(B) Provide information in the notice regarding the prohibited activity upon which the suspension or termination is based.

(3) The dealer's authority to issue temporary preprinted paper buyer's tags may be suspended for:

(A) Six (6) months for the first occurrence under subdivision (h)(1) of this section; or

(B) One (1) year for the second occurrence under subdivision (h)(1) of this section.

(4) The dealer's authority to issue temporary preprinted paper buyer's tags may be terminated for a third or subsequent occurrence under subdivision (h)(1) of this section.

(5)(A) A dealer who desires a hearing on the imposition of a penalty, or of the suspension or termination of the dealer's authority to issue temporary tags under this section, shall notify the secretary in writing within twenty (20) days after receipt of the notice of imposition of a penalty, or of the suspension or termination.

(B) A hearing officer appointed by the secretary shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration in the county of the dealer's principal place of business, unless the secretary and the dealer agree to another location for the hearing or agree that the hearing shall be held by telephone.

(C) Hearings conducted under this section shall be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer shall render his or her decision in writing to modify, reverse, or affirm the imposition of a penalty, or of the suspension or termination of the dealer's authority to issue temporary preprinted paper buyer's tags based upon the evidence presented at the hearing and shall serve a copy of the decision on the dealer.

(6)(A) If the decision sustains, in whole or in part, the suspension or termination of the dealer's authority to issue temporary preprinted paper buyer's tags, the dealer may file suit within thirty (30) days of receipt of the decision in the Pulaski County Circuit Court or the circuit court of the county of the dealer's principal place of business.

(B) The dealer shall serve a copy of the petition on the secretary.

(C) The appeal shall not stay the order of suspension or termination, and the order shall remain in effect and be terminated only in the event a decision reversing the suspension or termination is issued by the circuit court.

(7) An appeal from the circuit court shall be in accordance with the laws governing appeals.

(i)(1) Any dealer or approved vendor or any manager, salesperson, or employee of the dealer or vendor who pleads guilty or nolo contendere to or is found guilty of the misuse of a temporary preprinted paper buyer's tag or of allowing anyone else to misuse a temporary preprinted paper buyer's tag shall be fined not more than:

(A) Two hundred fifty dollars (\$250) for the first offense;

(B) Five hundred dollars (\$500) for the second offense; and

(C) One thousand dollars (\$1,000) for the third and subsequent offenses.

(2) A buyer who pleads guilty or nolo contendere to or is found guilty of failing to obtain a temporary buyer's tag shall be fined not more than twenty-five dollars (\$25.00).

(3) A buyer who pleads guilty or nolo contendere to or is found guilty of altering a preprinted paper buyer's tag or the fraudulent use of a preprinted paper buyer's tag shall be fined not more than:

(A) Two hundred fifty dollars (\$250) for the first offense;

(B) Five hundred dollars (\$500) for the second offense; and

(C) One thousand dollars (\$1,000) for the third and subsequent offenses.

(j) This section does not apply to an owner or lessee of a registered motor vehicle who elects to display a license plate on a replacement motor vehicle under § 27-14-902(a)(3)(B).

(k)(1) A person who buys a trailer or semitrailer from a licensed dealer may obtain one (1) temporary preprinted paper buyer's tag for the trailer or semitrailer and any correlating sticker that is to be placed on the tag.

(2) The temporary preprinted paper buyer's tag may be issued by an approved licensed dealer, vendor, or the Office of Motor Vehicle.

History. Acts 2005, No. 1929, § 4; 2009, No. 484, § 5; 2009, No. 756, § 20; 2009, No. 780, § 1; 2011, No. 351, § 1; 2013, No. 747, § 2; 2015, No. 705, §§ 2-4; 2017, No. 1119, §§ 2, 3; 2019, No. 525, § 1; 2019, No. 910, §§ 4606-4613.

Amendments. The 2017 amendment substituted "five dollars and fifty cents (\$5.50)" for "four dollars (\$4.00)" in (f)(1)(A); and substituted "The amount in excess of the first three dollars (\$3.00)" for "All amounts in excess of the first two dollars and fifty cents (\$2.50)" in (f)(3)(B).

The 2019 amendment by No. 525 added (k).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (e); and substituted "secretary" for "director" throughout (f) and (h).

Effective Dates. Acts 2015, No. 705, § 5: Oct. 1, 2015. Effective date clause provided: "Sections 1 through 4 of this act are effective on the first day of the calendar quarter following the effective date of this act."

Acts 2017, No. 1119, § 4: Nov. 13, 2017.

27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.

(a) A dealer may allow a prospective buyer or customer to drive an unregistered vehicle:

(1) To demonstrate or to allow a prospective buyer to test drive the vehicle for sale purposes for a period not to exceed seventy-two (72) hours; or

(2) As a loaner vehicle for a customer while the customer's vehicle is being repaired in the dealer's shop for a period not to exceed fourteen (14) calendar days.

(b)(1)(A) An approved dealer with the capability of issuing a temporary preprinted paper tag shall issue to the prospective buyer or customer one (1) temporary preprinted paper buyer's tag and any correlating stickers that are to be placed on the preprinted paper tag, in accordance with this section.

(B)(i) A licensed dealer who issues a temporary preprinted paper buyer's tag to a prospective buyer or customer shall place the preprinted paper tag at the location provided for the permanent motor vehicle license plate.

(ii) If a preprinted paper tag placed at the location provided for the permanent motor vehicle license plate becomes damaged or destroyed, the original dealer may issue a replacement preprinted paper tag that shall expire on the expiration date of the original buyer's tag.

(C) A licensed dealer that issues a preprinted paper tag shall provide any required documentation to the Office of Motor Vehicle on the date of the transaction for entry into the vehicle temporary tag database provided for in § 27-14-1708.

(D) The office shall provide the specifications, form, and color of the temporary preprinted paper tag.

(2)(A) A licensed dealer without the capability of issuing temporary preprinted paper tags shall issue to the prospective buyer or customer a test drive or loaner information sheet required by this section in lieu of the temporary preprinted paper tag.

(B) This sheet shall be maintained in the vehicle for the duration of time in which the prospective buyer or customer has possession of the vehicle.

(3) If the date on which the prospective buyer or customer is required to return the vehicle to the dealer falls on Saturday, Sunday, or a legal holiday on which the dealer is not open for business, then the prospective buyer or customer will have until the next succeeding business day that is not a Saturday, Sunday, or legal holiday to return the vehicle and still be in compliance with this section.

(c)(1) When a dealer provides a motor vehicle to a prospective buyer or customer under this section, the dealer shall complete and keep in his or her possession an information sheet containing:

(A) The year, make, and model of the vehicle;

- (B) The vehicle identification number;
- (C) The prospective buyer's or customer's name;
- (D) The time and date that the temporary preprinted paper tag or information sheet was issued to the prospective buyer or customer;
- (E) The reason the vehicle was furnished to the prospective buyer or customer; and
- (F) The length of time the prospective buyer or customer may retain the vehicle.

(2)(A) The Secretary of the Department of Finance and Administration shall provide the specifications, form, and color of the information sheet to be used by dealers under this subsection.

(B) Information sheets retained by the dealer under this subsection are subject to examination by the secretary at any reasonable time.

(d)(1) A temporary preprinted paper buyer's tag or information sheet is not required if the prospective buyer or customer is required to return the vehicle before the end of the business day upon which the vehicle was provided to the prospective buyer or customer, and it is not unlawful for a prospective buyer or customer to test drive an unregistered vehicle in the manner provided in this subsection.

(2) A dealer may issue temporary preprinted paper buyer's tags or use a dealer information sheet for the following purposes:

(A) To demonstrate or allow a prospective buyer to test drive a vehicle for a period not to exceed seventy-two (72) hours;

(B) For a loaner vehicle for a customer while the customer's vehicle is being repaired at the dealer's shop for a period not to exceed fourteen (14) calendar days;

(C) For transporting a vehicle not to exceed seventy-two (72) hours; or

(D) To test drive a vehicle to check its mechanical condition for a period not to exceed seventy-two (72) hours.

(3) The secretary shall design the test drive or loaner information sheet to be used by dealers under this subsection and shall make this information sheet available at all state revenue offices and on the website of the Department of Finance and Administration.

(4) A dealer shall be allowed to make and use photocopies of the test drive or loaner information sheet designed by the department in lieu of the original provided by the department.

(e) Any dealer who violates this section shall be fined the amount of twenty-five dollars (\$25.00) per violation.

History. Acts 2005, No. 1929, § 4; 2009, No. 484, § 6; 2011, No. 351, §§ 2, 3; 2019, No. 910, §§ 4614, 4615.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (c)(2)(A); and substituted "secretary" for "director" in (c)(2)(B) and (d)(3).

27-14-1707. Authority to promulgate rules.

In addition to the authority provided in § 27-14-403, the Secretary of the Department of Finance and Administration may promulgate, adopt, and enforce such rules as may be necessary to carry out this subchapter.

History. Acts 2005, No. 1929, § 4; of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment substituted "Secretary of the Department

27-14-1708. Temporary tag database.

(a) There is created a vehicle temporary tag database within the Revenue Division of the Department of Finance and Administration to develop, establish, and maintain a database of information to verify compliance with the unregistered motor vehicle preprinted paper buyer's tag laws of Arkansas in this chapter.

(b)(1) The vehicle temporary tag database shall be administered by the Revenue Division of the Department of Finance and Administration with the assistance of the Division of Information Systems or other designated agent with whom the Revenue Division of the Department of Finance and Administration may contract to supply technical database and data processing expertise.

(2) The vehicle temporary tag database shall be developed and maintained in accordance with guidelines established by the Revenue Division of the Department of Finance and Administration so that state and local law enforcement agencies can access the vehicle temporary tag database to determine compliance with the sale, licensing, and registration of motor vehicles, as required by law.

(c) The Revenue Division of the Department of Finance and Administration shall have the authority to enter into or to make agreements, arrangements, or declarations necessary to carry out the provisions of this section.

(d)(1) Upon request, the Revenue Division of the Department of Finance and Administration may release information in the vehicle temporary tag database to:

(A) The owner to whom the temporary tag was issued;

(B) The parent or legal guardian of the owner to whom the temporary tag was issued if the owner is under eighteen (18) years of age or is legally incapacitated; and

(C) State and local law enforcement agencies, the Arkansas Crime Information Center, or other government offices upon a showing of need.

(2) Except as provided in (d)(1) of this section, all data and information received by the vehicle temporary tag database is confidential and is not subject to examination or disclosure as public information under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(e) The Revenue Division of the Department of Finance and Administration or the reporting company shall not be liable for any damages

to any property or person due to any act or omission in the reporting or keeping of any record or information contained in the vehicle temporary tag database or the issuing or renewing of any motor vehicle registration in accordance with the vehicle temporary tag database.

History. Acts 2009, No. 484, § 7; 2019, No. 910, §§ 6323-6326.

Amendments. The 2019 amendment substituted “Revenue Division of the Department of Finance and Administration”

for “division” following “administered by the” in (b)(1), and in (c), (d)(1), and (e); and substituted “Division of Information Systems” for “Department of Information Systems” in (b)(1).

SUBCHAPTER 18 — VEHICLES IN TRANSIT TO DEALERS

SECTION.

27-14-1804. Nonapplicable if regular plates used.

27-14-1805. Use of “IN TRANSIT” placards.

SECTION.

27-14-1806. Metal transporter plate.

27-14-1808. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-14-1804. Nonapplicable if regular plates used.

This subchapter shall not apply to any person, firm, or corporation engaged in towing or driving motor vehicles on the public highways of this state where the motor vehicles display bona fide license or dealer’s license plates issued by the Secretary of the Department of Finance and Administration.

History. Acts 1935, No. 183, § 1; 1938 (1st Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229; Acts 2019, No. 910, § 4617.

Amendments. The 2019 amendment

substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-14-1805. Use of “IN TRANSIT” placards.

(a)(1) Motor vehicles and trailers in the course of delivery from a manufacturer to a dealer, or from one dealer to another, may be operated on the highways without license number plates being at-

tached, if they display, on the rear, a placard issued by the Secretary of the Department of Finance and Administration, bearing the words "IN TRANSIT", the registration number, the time and date the placard was issued, and the genuine signature of the secretary or his or her agent.

(2) The letters and figures shall be of such size and type to meet the requirements of the secretary.

(b)(1) The fee for the registration of these vehicles shall be three dollars (\$3.00) for each placard.

(2) The fee shall be collected by the secretary before issuance of the placard.

(c)(1) All placards issued under the provisions of this subchapter shall permit operation of motor vehicles on the highways of this state for a period not exceeding forty-eight (48) hours.

(2) The placard shall be good for one (1) trip only.

History. Acts 1935, No. 183, § 1; Pope's Dig., § 6621; Acts 1938 (1st Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229; Acts 2019, No. 910, §§ 4618, 4619.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" throughout (a) and in (b)(2).

27-14-1806. Metal transporter plate.

(a)(1) Any person, firm, or corporation that is regularly engaged in the business of driving or towing motor vehicles or trailers as defined in § 27-14-1805, upon the payment of a fee of thirty dollars (\$30.00), may be issued an annual metal transporter plate by the Secretary of the Department of Finance and Administration.

(2) This metal plate shall not expire until December 31 of the calendar year in which it is purchased.

(3) The plate shall be attached to the rear of any vehicle being operated by the licensee in conformity with this subchapter.

(b)(1) The fee for this annual transporter plate shall not be reduced but shall remain at thirty dollars (\$30.00).

(2) If this annual transporter plate is lost by the licensee, it must be replaced by an original annual transporter plate for a fee of thirty dollars (\$30.00).

History. Acts 1935, No. 183, § 1; 1938 (1st Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229; Acts 2015, No. 1252, § 1; 2019, No. 910, § 4620.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1).

27-14-1808. Rules.

The Secretary of the Department of Finance and Administration is authorized to promulgate such rules as he or she deems necessary for the proper enforcement of this subchapter.

History. Acts 1935, No. 183, § 5; Pope's Dig., § 6625; A.S.A. 1947, § 75-233; Acts 2019, No. 315, § 3106; 2019, No. 910, § 4621.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

SUBCHAPTER 19 — TRANSPORTING OF MOTOR HOMES BY MANUFACTURERS

SECTION.

27-14-1904. Design of plates.

27-14-1905. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-1904. Design of plates.

Manufacturers' master license plates shall be of such form and design as prescribed by the Secretary of the Department of Finance and Administration.

History. Acts 1973, No. 503, § 3; A.S.A. 1947, § 75-292.2; Acts 2019, No. 910, § 4622.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-14-1905. Rules.

The Secretary of the Department of Finance and Administration is authorized to promulgate rules consistent with the provisions of this subchapter.

History. Acts 1973, No. 503, § 4; A.S.A. 1947, § 75-292.3; Acts 2019, No. 315, § 3107; 2019, No. 910, § 4623.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

SUBCHAPTER 21 — DRIVE-OUT TAGS

SECTION.

27-14-2102. Issuance authorized.

27-14-2105. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-2102. Issuance authorized.

The Secretary of the Department of Finance and Administration is authorized to design and issue a drive-out tag for use in cases where automobile dealers in this state sell a motor vehicle to a nonresident who desires to immediately remove the vehicle to the state of his or her residence.

History. Acts 1955, No. 111, § 1; A.S.A. 1947, § 75-235.1; Acts 2019, No. 910, § 4624.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment

27-14-2105. Rules.

The Secretary of the Department of Finance and Administration is authorized to promulgate such rules as he or she deems necessary for the proper enforcement of this subchapter.

History. Acts 1955, No. 111, § 3; A.S.A. 1947, § 75-235.3; Acts 2019, No. 315, § 3108; 2019, No. 910, § 4625.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

SUBCHAPTER 22 — THEFT OF VEHICLES AND PARTS

SECTION.

27-14-2212. Mutilation of serial numbers.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-14-2212. Mutilation of serial numbers.

(a)(1) It shall be unlawful for any person, firm, or corporation to have in its possession an automobile, automobile tires, or gasoline engine, the motor and serial number of which have been mutilated to the extent that it cannot be read.

(2) When any automobile, automobile tires, or gasoline engine has been stolen and recovered and the serial numbers found mutilated, the court where the case may be tried shall have power to authorize the rightful owner of the automobile tires or accessories to continue the use of them.

(3) The court shall also direct that the owner of the car have the original serial numbers restenciled on the engine, motor, or car.

(b) Any person convicted of violating subsection (a) of this section shall be deemed guilty of a felony and punished by imprisonment in the Division of Correction for not less than one (1) year nor more than five (5) years.

History. Acts 1919, No. 423, §§ 1, 3; C. & M. Dig., §§ 7437, 7439; Pope’s Dig., §§ 6649, 6651; A.S.A. 1947, §§ 75-192, 75-193; Acts 2019, No. 910, § 1026.

Amendments. The 2019 amendment substituted “Division of Correction” for “Department of Correction” in (b).

SUBCHAPTER 23 — DISCLOSURE OF DAMAGE AND REPAIR ON THE CERTIFICATE OF TITLE

SECTION.

27-14-2301. Definitions.

27-14-2302. Issuance of damage certificate.

SECTION.

27-14-2305. Brand on motor vehicle title.

27-14-2307. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the

fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-14-2301. Definitions.

As used in this subchapter:

(1)(A) "Dealer" means any person or business who sells or offers for sale a motor vehicle after selling or offering for sale five (5) or more motor vehicles in the previous twelve (12) months or who is a new or used motor vehicle dealer licensed by or with the State of Arkansas.

(B) Persons or businesses that operate as salvage vehicle pools or salvage vehicle auctions are not dealers under this subchapter when selling vehicle parts to a dealer;

(2) "Motor vehicle" means every self-propelled vehicle except motorcycles, motor-driven cycles, and trucks with an unladen weight of ten thousand pounds (10,000 lbs.) or more, in, upon, or by which any person or property is or may be transported upon a street or highway;

(3)(A) "Occurrence" means the event that caused the motor vehicle to become damaged.

(B) "Occurrence" includes without limitation collision, theft, vandalism, storm, or flood;

(4) "Office of Motor Vehicle" or "office" means the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration;

(5) "Owner" means an individual, insurance company, or other entity with legal title to the motor vehicle;

(6) "Salvage vehicle" means a motor vehicle that is:

(A) Water-damaged; or

(B) Sustains any other damage in an amount equal to or exceeding seventy percent (70%) of its average retail value as determined under criteria established by rule of the Office of Motor Vehicle; and

(7) "Water-damaged" means a motor vehicle that has been submerged or partially submerged in water to the point that rising water has:

(A) Reached over the doorsill of the motor vehicle;

(B) Entered the passenger compartment of the motor vehicle; and

(C) Caused damage to the motor vehicle's powertrain, primary computer, or electrical systems.

History. Acts 1993, No. 614, § 1; 2007, No. 410, § 1; 2019, No. 497, § 1.

Amendments. The 2019 amendment rewrote (7).

27-14-2302. Issuance of damage certificate.

(a)(1)(A) When an insurer acquires the ownership of a salvage vehicle for which a salvage vehicle title has not been issued, the insurer shall surrender the certificate of title for the salvage vehicle to the Office of Motor Vehicle within thirty (30) days following the acquisition of the certificate of title to the salvage vehicle.

(B) When an insurer acquires the ownership of a vehicle eight (8) or more model years old before the calendar year of the occurrence, the insurer may surrender the certificate of title for the vehicle to the office in exchange for a salvage certificate of title or a parts-only title.

(2)(A) If a motor vehicle becomes a salvage vehicle and an insurer indemnifies under the insurance policy but the insurer does not take title to the salvage vehicle, the insurer shall notify the office that the motor vehicle is a salvage vehicle pursuant to the notification procedure required under this subsection.

(B) The office shall attach a note or stamp to any copy of a title issued by the office or to any reissued or changed title.

(C) The note or stamp shall state that the motor vehicle is a salvage vehicle and shall remain in place until the owner of the vehicle surrenders the certificate of title on the salvage vehicle and a salvage vehicle title or prior salvage vehicle title is issued by the office.

(3)(A) If a person other than an insurer owns a salvage vehicle for which a salvage vehicle title has not been issued, the owner shall surrender the certificate of title for the salvage vehicle to the office within thirty (30) days following the date that the motor vehicle became a salvage vehicle.

(B) If a person other than an insurer owns a vehicle that is eight (8) or more model years old before the calendar year of the occurrence, the owner may surrender the certificate of title for the vehicle to the office in exchange for a salvage certificate of title or a parts-only title.

(b) Upon receipt of the title, there shall be issued a new certificate of title with the word "salvage" printed in the remarks section on the face of the title.

(c)(1) An Arkansas certificate of title issued from an out-of-state certificate of title or comparable ownership document that carries a designation such as "damaged", "salvaged", "water-damaged", "reconstructed", "rebuilt", or other similar classification shall have a brand notation printed in the remarks section on its face as would be required by this subchapter to be printed on an Arkansas certificate of title issued under the provisions of either subsection (b) or subsection (e) of this section.

(2)(A) Provided, however, an Arkansas certificate of title shall not be issued from an out-of-state junking certificate or other ownership document bearing a designation of "junk", "parts only", "nonrepairable", or similar classification, it being the intent of this section that any motor vehicle damaged to the extent that it has been so

designated shall be dismantled for parts or scrap and shall not be registered in the State of Arkansas but may receive a "parts only" title.

(B)(i) An Arkansas title may be issued only if the state that placed the designation on the certificate of title or issued the junking certificate removes the designation or cancels the junking certificate and replaces it with a certificate of title.

(ii) The designation placed on the certificate of title or issuance of junking certificate may be modified or removed only by that state.

(iii) A court of this state shall not have jurisdiction to change or modify the designation or finding of another state issuing a certificate of title or the junking certificate.

(d)(1) When any motor vehicle issued a "salvage" certificate of title or similar branded title by another state is rebuilt or reconstructed, the owner shall, within ten (10) working days, make application to the office for the registration and issuance of a new certificate of title to the motor vehicle.

(2) The application shall be accompanied by the "salvage" certificate of title or similar title issued by another state, a fee in the amount now or hereafter prescribed by law for the registration and issuance of a certificate of title, and a sworn statement executed by the rebuilder or restorer on a form prescribed by the office describing the types of repairs performed, listing all parts replaced, and including the vehicle identification number of any parts bearing such a number or a derivative thereof.

(e)(1) Upon receipt of such "salvage" certificate of title or similar title issued by another state and the sworn statement required to be submitted by subsection (d) of this section, there shall be issued a new certificate of title with the word "rebuilt" printed in the remarks section on the face of the title.

(2) The brand shall be carried forward and printed in the remarks section on the face of all titles issued thereafter for the motor vehicle.

(f) The sworn statement submitted pursuant to subsection (d) of this section shall be maintained by the office as a part of the permanent title record of the motor vehicle in question, and the information contained therein shall be made available to any prospective buyer or transferee upon request.

(g)(1) If an insurer has the responsibility under this subchapter to surrender the certificate of title on a salvage vehicle for which it has taken title or to notify the office that a motor vehicle is a salvage vehicle, prior salvage vehicle, or "parts only" vehicle, the insurer may delegate its responsibility to surrender the certificate of title or to notify the office to a servicing organization or to a buyer of the salvage vehicle from the insurer.

(2) The insurer shall remain responsible under Arkansas law if the servicing organization or buyer fails to properly surrender the title or notify the office.

(h)(1) The office may issue a "parts only" title to the owner of a salvage vehicle under the following conditions:

(A) The owner of the salvage vehicle decides that the salvage vehicle has no resale value except as a source for parts or scrap; and

(B) The owner surrenders the current certificate of title to the salvage vehicle to the office.

(2) An owner under this subsection may be an insurer that owns the salvage vehicle.

(3)(A) The salvage vehicle shall be dismantled for parts or scrap and issued a “parts only” title in the State of Arkansas.

(B) The “parts only” brand shall be carried forward and printed in the remarks section on the face of all titles subsequently issued for the motor vehicle without regard to the claim of any person that the salvage vehicle has been rebuilt or reconstructed.

History. Acts 1993, No. 614, § 2; 2001, No. 328, § 2; 2007, No. 410, § 2; 2009, No. 445, §§ 1, 2; 2009, No. 483, § 1; 2017, No. 651, § 1.

Amendments. The 2017 amendment added (a)(1)(B) and redesignated (a)(1) as (a)(1)(A); and added (a)(3)(B) and redesignated (a)(3) as (a)(3)(A).

27-14-2305. Brand on motor vehicle title.

(a) The provisions of this subchapter shall not apply to motor vehicles more than seven (7) model years old before the calendar year of the occurrence.

(b) A title that is branded under this subchapter shall retain the brand on the title for the life of the motor vehicle.

History. Acts 1993, No. 614, § 5; 1999, No. 1572, § 2; 2007, No. 410, § 3; 2017, No. 651, § 2.

Amendments. The 2017 amendment

substituted “Brand on motor vehicle title” for “Applicability of subchapter” in the section heading; inserted “motor” in (b); and made stylistic changes.

27-14-2307. Rules.

The Secretary of the Department of Finance and Administration shall promulgate necessary rules for the proper enforcement and administration of this subchapter.

History. Acts 1993, No. 614, § 7; 2019, No. 315, § 3109; 2019, No. 910, § 4626.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in the section heading and in the text.

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

CHAPTER 15

REGISTRATION AND LICENSING — SPECIAL USES

SUBCHAPTER.

3. ACCESS TO PARKING FOR PERSONS WITH DISABILITIES ACT.
22. HISTORIC OR SPECIAL INTEREST VEHICLES.
24. AMATEUR RADIO OPERATORS.
31. SEARCH AND RESCUE SPECIAL LICENSE PLATES.

SUBCHAPTER.

40. MISCELLANEOUS.

49. IN GOD WE TRUST LICENSE PLATE.

51. ARKANSAS STATE GOLF ASSOCIATION LICENSE PLATE.

52. ARKANSAS FALLEN FIREFIGHTERS' MEMORIAL SPECIAL LICENSE PLATE.

SUBCHAPTER 3 — ACCESS TO PARKING FOR PERSONS WITH DISABILITIES ACT

SECTION.

27-15-302. Definitions.

27-15-304. Temporary special certificate.

27-15-305. Penalties.

27-15-307. Administration.

27-15-308. Special license plates and certificates.

27-15-310. Display of special license plate or certificate.

SECTION.

27-15-312. Parking privileges — Exceptions.

27-15-314. Parking spaces by private agencies.

27-15-315. Signs regulatory in nature.

27-15-317. Reporting misuse.

Effective Dates. Acts 2017, No. 799, § 10: “(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017.

“(b) Sections 3, 4, and 9 of this act are effective on and after January 1, 2019.”

27-15-302. Definitions.

As used in this subchapter:

(1) “Access aisle” means a ramp designed, constructed, and marked for access by a mobility-impaired person, a striped or marked passenger loading and unloading area, or a striped access area adjacent to a parking space designed and marked for access by mobility-impaired or sight-impaired persons;

(2) “Office” means the Office of Motor Vehicle;

(3)(A) “Permanent disability” means a medically determined condition that is continuous without the possibility of improvement and that substantially impacts a person’s mobility.

(B) “Permanent disability” includes:

(i) A spinal cord injury;

(ii) A genetic ambulatory disorder;

(iii) An amputation;

(iv) Spina bifida;

(v) Multiple sclerosis;

(vi) Chronic heart disease; or

(vii) Any other medically determined permanent condition that substantially impacts a person’s mobility;

(4) “Person with a disability” means any individual who, as determined by a licensed physician:

(A) Cannot walk one hundred feet (100') without stopping to rest;

(B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(C) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one liter (1 L), or the arterial oxygen tension is less than sixty millimeters of mercury (60 mmHg) on room air at rest;

(D) Uses portable oxygen; or

(E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

(5) "Private agency" means any person, firm, association, organization, or entity, other than a public agency doing business with or providing accommodations for the public, whose customary and normal operations include the providing of parking spaces as a means of accommodating the general public or a select clientele or membership;

(6) "Public agency" means any department, office, or agency of the State of Arkansas or any city, county, school district, or other public agency of this state or of its political subdivisions; and

(7) "Van-accessible parking decal" means:

(A) A designated special decal to be affixed to a special license plate, special certificate, or temporary special certificate and displayed on a vehicle that is:

(i) Used to transport a person who has limited or no use of his or her legs; and

(ii) Used to transport a wheelchair, a three-wheeled or four-wheeled scooter, a four-wheeled walker with a seat, or a similar device; and

(B) Indicia of authorization for the use of a van-accessible parking space.

History. Acts 1985, No. 907, § 2; A.S.A. 1947, § 75-296.4; Acts 1991, No. 656, § 2; 1999, No. 1503, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 8; 2017, No. 799, § 1.

Amendments. The 2017 amendment added (7).

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: "(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017."

27-15-304. Temporary special certificate.

(a)(1) A person with a disability, which, as determined by a licensed physician, is temporary in nature as opposed to permanent, may apply to the Office of Motor Vehicle for a temporary person-with-a-disability special certificate, which may include a temporary van-accessible parking decal, and, upon request, one (1) additional temporary special certificate, which may include an additional van-accessible parking decal.

(2) Provided further, a person to whom has been issued a special license plate or a special certificate may obtain one (1) temporary special certificate.

(3) The intent in this section is to provide any person with a disability at least one (1), but not more than two (2), special indicia authorizing the use of parking spaces reserved exclusively for persons with disabilities.

(b) The temporary special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(c) When the temporary special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the temporary special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate provided under § 27-15-308(a).

(d) The temporary special certificate shall be issued free of charge and shall expire three (3) months from the last day of the month in which it is issued.

History. Acts 1991, No. 656, § 8; 2005, No. 2202, § 2; 2017, No. 799, § 2.

Amendments. The 2017 amendment, in (a)(1), inserted “which may include a temporary van-accessible parking decal” and “which may include an additional van-accessible parking decal”.

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: “(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017.”

27-15-305. Penalties.

(a) Any individual who provides false information in order to acquire or who assists an unqualified person in acquiring the special license plate or the special certificate and any person who abuses the privileges granted by this subchapter shall be deemed guilty of a Class A misdemeanor.

(b)(1) A motor vehicle found to be parked in an area designated for the exclusive use of a person with a disability, including the access aisle, may be impounded by a law enforcement agency if the motor vehicle:

(A) Does not display a special license plate, special certificate, van-accessible parking decal, or similar official designation of another state authorized in this subchapter; or

(B) Displays a special license plate, special certificate, van-accessible parking decal, or similar official designation of another state authorized in this subchapter but is operated by a person who is not:

(i) A person with a disability who is authorized to park in the designated area; or

(ii) Transporting a person with a disability who is authorized to park in the designated area.

(2)(A) In addition, the owner of the vehicle shall upon conviction be subject to a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the first offense and not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs.

(B) The fine for a first offense shall be reduced to one hundred dollars (\$100) upon successful completion of a class designed by the Office of Motor Vehicle in consultation with the Governor's Commission on People with Disabilities to promote awareness of the need for compliance with parking and related public accommodation requirements under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336.

(3)(A) Upon the second or subsequent conviction, the court shall suspend the driver's license for up to six (6) months.

(B) The driver may apply to the Office of Driver Services for a restricted license during the period of suspension. The Office of Driver Services shall determine the conditions of the restricted license or may deny the request for a restricted license after reviewing the driving record and circumstances of the driver.

(c)(1) Fifty percent (50%) of all fines collected under this section in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by the section, for deposit into the Governor's Commission on People with Disabilities Fund to be used as follows:

(A) Thirty percent (30%) for scholarship awards to persons with disabilities; and

(B) Twenty percent (20%) towards educating the public about accessible parking, including without limitation:

- (i) Public awareness campaigns;
- (ii) Public service announcements;
- (iii) Distribution of pamphlets; or
- (iv) Social media.

(2) Fifty percent (50%) of the fines collected in district court under this section shall be paid by the tenth day of each month to the city general fund of the town or city in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336.

History. Acts 1985, No. 907, § 12; A.S.A. 1947, § 75-296.14; Acts 1987, No. 59, § 5; 1991, No. 656, § 4; 1999, No. 1503, § 2; 2001, No. 609, § 1; 2003, No. 1765, § 33; 2005, No. 1934, § 18; 2005, No. 2202, § 2; 2017, No. 799, §§ 3, 4.

Amendments. The 2017 amendment rewrote (b)(1); added (b)(2)(B) and redesignated former (b)(2) as (b)(2)(A); in (b)(2)(A), substituted "two hundred fifty

dollars (\$250)" for "one hundred dollars (\$100)" and "five hundred dollars (\$500)" for "two hundred fifty dollars" (\$250)" following the second occurrence of "not less than"; rewrote (c)(1); in (c)(2), substituted "Fifty percent (50%)" for "Seventy percent (70%)", deleted "or city court" following "district court", substituted "Pub. L. No. 101-336" for "42 U.S.C. 12101 et seq." at the end; and made a stylistic change.

Effective Dates. Acts 2017, No. 799, § 10(b); Jan. 1, 2019. Effective date clause provided: “(b) Sections 3, 4, and 9 of this act are effective on and after January 1, 2019.”

27-15-306. Enforcement.

A.C.R.C. Notes. Acts 1997, No. 208, § 1, as reenacted by Acts 2017, No. 255, § 1, provided: “Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, and ambiguous or are inconsistent

with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code of 1987 Annotated.”

27-15-307. Administration.

The Office of Motor Vehicle shall:

(1) Develop an appropriate form, including provision for a sworn statement of disability, for use by an applicant to request issuance of the special license plate and the special certificate for a person with a disability;

(2) Distribute a copy of this subchapter to all appropriate law enforcement agencies charged with enforcement of the Motor Vehicle Code;

(3) Adopt procedures and promulgate rules to advise and inform the general public of the provisions of this subchapter and the availability of special license plates and special certificates;

(4) Request medical information directly related to determining the eligibility of the applicant for a special license plate or special certificate, which shall be held in strict confidence. The medical information shall be required only when the applicant is applying for the initial issuance of a special license plate or special certificate authorized under the provisions of § 27-15-308;

(5) Maintain accurate records of the annual number of special license plates and special certificates issued and in inventory;

(6) Enter into the permanent record of each applicant the special license number or special certificate number and type of allowable disability of the applicant in a manner that will allow retrieval of the information for statistical use;

(7) Include a notice with each application for a special license plate or special certificate informing the applicant and any other person driving for the applicant of the requirements of this subchapter and further specifically informing the applicant that the privilege to park in spaces reserved for persons with disabilities shall be available only when the person for whom the special plate or certificate was issued or a person with a disability is actually in the vehicle; and

(8) Include on the appropriate form for use by an applicant requesting issuance of a van-accessible parking decal a provision to:

(A) Obtain information to determine the eligibility of an applicant for a van-accessible parking decal; and

(B) Verify with a letter from a physician stating that the person for whom the van-accessible parking decal is issued is a person with a disability that requires the use of a wheelchair, a three-wheeled or four-wheeled scooter, a four-wheeled walker with a seat, or a similar device that is commonly used to transport persons who have limited or no use of their legs.

History. Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7; Acts 1991, No. 656, § 5; 2001, No. 609, § 2; 2005, No. 2202, § 2; 2017, No. 799, § 5.

Amendments. The 2017 amendment added (8).

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: "(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017."

27-15-308. Special license plates and certificates.

(a)(1) An owner of a motor vehicle described in § 27-15-303 may apply to the Office of Motor Vehicle for issuance of one (1) special license plate, to be affixed to his or her vehicle, if the applicant, a dependent of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is disabled under the definition of a person with a disability, as defined in § 27-15-302.

(2)(A) Except as provided under subsections (d) and (e) of this section, for every application for a special license plate issued under this section, the Department of Finance and Administration shall produce a photo identification card containing a color photograph of the person with a disability who is either:

(i) Applying for the special license plate; or

(ii) Being transported by the vehicle for which the special license plate is issued.

(B) The photo identification card issued under this subsection shall be carried on the person for verification of identity.

(C) This subdivision (a)(2) applies to holders of or applicants for special license plates issued under this section who do not have a valid driver's license or identification card issued under the laws of this state.

(3)(A) An owner of a motor vehicle that is issued a special license plate under this section shall submit every four (4) years to the office a physician recertification of the person with a disability to be transported by the vehicle to continue to qualify for the special license plate, unless the person with a disability has a permanent disability.

(B) The photo identification card required in this subsection must be renewed every four (4) years.

(4)(A) An organization that owns or leases a motor vehicle described in § 27-15-303 that is used in the business of transporting persons with disabilities may apply to the office for issuance of one (1) special license plate to be affixed to the vehicle for each vehicle used in the business.

(B) The requirements of a photo identification card and physician recertification in this subsection shall not apply to an applicant in the business of transporting persons with disabilities as described in this subsection.

(b)(1) The special license plate issued by the office shall contain the international symbol of access and shall not display the word “disabled”.

(2) The special license plate shall be issued at no additional charge.

(c)(1) A person with a disability may apply to the office for a special person-with-a-disability certificate, subject to the photo identification card requirements of subsection (a) of this section.

(2) The special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(3) When the special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a motor vehicle bearing a special license plate provided under subsection (a) of this section.

(4) The special certificate shall be issued free of charge and shall expire four (4) years from the last day of the month in which it is issued.

(5)(A) If a person to whom a special certificate or license plate has been issued moves to another state, the person shall surrender the special certificate or plate to the office.

(B) If a person to whom a special certificate or license plate has been issued dies, the special certificate or license plate shall be returned to the office within thirty (30) days after the death of the person to whom the special certificate or plate was issued.

(6)(A) The photo identification card issued under this section shall be issued upon payment of a transaction fee of five dollars (\$5.00) and shall expire four (4) years from the last day of the month in which it is issued.

(B) The transaction fee shall be deposited as special revenue into the State Central Services Fund to be used exclusively for the benefit of the Revenue Division of the Department of Finance and Administration.

(C) The transaction fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(D) The transaction fee shall not be considered or credited to the division as direct revenue.

(d)(1) In lieu of the photo identification card issued under this section, a person who holds a valid driver's license or identification card issued under the laws of this state may choose to have an endorsement on his or her driver's license or identification card that authorizes parking in areas designated as parking for a person with a disability.

(2) If a driver's license endorsement or identification card endorsement is chosen under this section, then the issuance and expiration of the driver's license shall correspond with the expiration date of the special person-with-a-disability certificate issued under this section.

(3)(A) The office shall not charge an additional fee for adding the endorsement on a currently issued driver's license or identification card.

(B) Any person who applies for and does not currently have a driver's license or identification card and requests the endorsement shall pay only the fee required under current law for the issuance of a driver's license or identification card and shall not pay an additional fee for the endorsement.

(e)(1) A person who is a resident of a facility that provides long-term medical care or personal care is not required to obtain a photo identification card that displays a photograph of the person with a disability but instead shall carry on the person documentation from the administrator of the facility attesting that the person is a resident of the facility.

(2) This subsection applies to the following facilities, including without limitation:

- (A) A licensed nursing home;
- (B) A licensed residential care facility; or
- (C) A licensed assisted living facility.

(f)(1) An owner of a motor vehicle described in § 27-15-303 may apply to the office for issuance of one (1) or more van-accessible parking decals to be affixed to each special license plate or special certificate, or temporary special certificate issued to the owner, if the applicant, a dependent of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is a person with a disability that qualifies for van accessible parking privileges as defined in § 27-15-312(a)(2)(A).

(2) An applicant whose vehicle displays both a special license plate and special certificate is required to have a van-accessible parking decal affixed to the special license plate and special certificate.

History. Acts 1985, No. 907, §§ 3, 4; A.S.A. 1947, §§ 75-296.5, 75-296.6; Acts 1991, No. 656, § 6; 2001, No. 609, §§ 3, 4; 2005, No. 2202, § 2; 2007, No. 753, § 2; 2017, No. 799, § 6; 2019, No. 236, § 2.

A.C.R.C. Notes. Acts 2019, No. 236, § 3, provided: "A person who has been issued a special license plate displaying the word 'disabled' before the effective date of this act [July 24, 2019] is not required to return the special license plate to the Department of Finance and Administration nor required to apply for the

issuance of a new special license plate that does not display the word 'disabled' until the renewal date of the special license plate."

Amendments. The 2017 amendment added (f).

The 2019 amendment added "and shall not display the word 'disabled'" in (b)(1).

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: "(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017."

27-15-310. Display of special license plate or certificate.

(a) No vehicle licensed by the State of Arkansas to operate on the public highways shall display a special license plate issued for a vehicle owned by a person with a disability, or a facsimile thereof, unless the owner or primary user of the vehicle meets the definition of person with a disability as defined in § 27-15-302.

(b) No vehicle shall display the special certificate unless the vehicle is being used for the purpose of transporting the person with a disability to whom the special certificate was issued.

(c) No vehicle shall display a special license plate with a van-accessible parking decal or a special certificate with a van-accessible parking decal unless the vehicle is being used for the purpose of transporting the person with a disability for whom the van-accessible parking decal was issued.

History. Acts 1985, No. 907, § 6; A.S.A. 1947, § 75-296.8; Acts 1991, No. 656, § 7; 2005, No. 2202, § 2; 2017, No. 799, § 7.

Amendments. The 2017 amendment added (c).

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: “(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017.”

27-15-312. Parking privileges — Exceptions.

(a)(1) A vehicle displaying a van-accessible parking decal, a special license plate, a special certificate, or a temporary special certificate and being used for the actual transporting of a person with a disability is permitted exclusive parking privileges in those areas designated for parking only by persons with the van-accessible parking decal, special license plate, or special certificate.

(2)(A) Except as provided under subdivision (a)(2)(B) of this section, a parking space reserved for a person with a disability that is designated as “van accessible” shall be used exclusively by a vehicle that:

(i) Loads or unloads a wheelchair, a three-wheeled or four-wheeled scooter, a four-wheeled walker with a seat, or a similar device that is commonly used to transport a person who has limited or no use of his or her legs; and

(ii) Displays a van-accessible parking decal.

(B) If the parking lot or parking facility has only one (1) parking space reserved for a person with a disability, then the limitation of use under subdivision (a)(2)(A) of this section does not apply.

(b)(1) The provisions of this subchapter pertaining to parking privileges for persons with disabilities shall supersede any local ordinances where they conflict.

(2) However, any county or municipality may enact local ordinances to provide for restrictions on parking privileges for all persons which also shall be applicable to persons with disabilities when the local ordinances apply:

(A) To zones where stopping, standing, or parking is prohibited for all vehicles;

(B) To the prohibition of parking during heavy traffic periods such as rush hours or where parking would clearly present a traffic hazard for the general public;

(C) To parking zones restricted as to the length of parking time permitted;

(D) To zones reserved for special types of vehicles, except for those zones authorized for exclusive use by emergency vehicles or ambulances, or authorized as bus stop areas or loading zones; and

(E)(i) To any parking meter fees levied by any local ordinances of any political subdivision in this state.

(ii) Provided, any county or municipality may by ordinance waive parking meter fees for a vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability.

History. Acts 1985, No. 907, § 7; A.S.A. 1947, § 75-296.9; Acts 1987, No. 59, § 1; 1991, No. 656, § 10; 1995, No. 780, § 1; 1997, No. 124, § 1; 2003, No. 1353, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 3; 2017, No. 799, § 8.

Amendments. The 2017 amendment, in (a)(1), inserted “a van-accessible parking decal”, inserted “or a temporary special certificate”, and substituted “the van-accessible parking decal, special license

plate, or special certificate” for “disabilities” at the end; redesignated part of (a)(2)(A) as (a)(2)(A)(i); added (a)(2)(A)(ii); inserted “a four-wheeled walker with a seat” in (a)(2)(A)(i); and made stylistic changes.

Effective Dates. Acts 2017, No. 799, § 10(a): Nov. 13, 2017. Effective date clause provided: “(a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and after November 13, 2017.”

27-15-314. Parking spaces by private agencies.

(a)(1) Any business firm or other person licensed to do business with the public or owning or operating a business that provides parking access to the public may provide specially designated and marked motor vehicle parking spaces for the exclusive use of persons with disabilities who have been issued a special license plate or special certificate.

(2) Private businesses that provide parking access intended for use by the public that are constructed after January 1, 1992, and private businesses that undertake significant physical modifications or alterations of their premises after January 1, 1992, shall provide parking spaces in such number and otherwise in accordance with the standards set forth in rules promulgated by the Department of Finance and Administration that would be consistent with Pub. L. No. 100-641 and rules issued pursuant thereto by the United States Secretary of Transportation.

(b) The minimum number of parking spaces shall comply with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

History. Acts 1985, No. 907, § 9; A.S.A. 1947, § 75-296.11; Acts 1987, No. 59, § 3; 1991, No. 656, § 12; 1999, No. 1503, § 4; 2001, No. 609, § 5; 2005, No. 2202, § 2; 2019, No. 315, § 3110.

Amendments. The 2019 amendment substituted the first occurrence of “rules” for “regulations” in (a)(2).

27-15-315. Signs regulatory in nature.

(a) For the purposes of this subchapter and for the purposes of enforcing any law of this state relating to penalizing an owner or operator who parks a vehicle in a space designated for use by a person with a disability and whose vehicle does not properly and legally display a special license plate, a van-accessible parking decal, or a special certificate provided under this subchapter, it shall be presumed that:

(1) The identification of areas designated for use by persons with disabilities is regulatory in nature;

(2) The identified areas are intended for exclusive use by persons with disabilities whose vehicles are properly identified;

(3) Penalties shall be imposed on the owner or operator of a vehicle that is not properly identified and is parked in one (1) of those areas designated for parking only by persons with disabilities.

(b)(1) Any of the following designations that are displayed on each parking space for persons with disabilities and visible to the driver's eye level shall be enforced as provided under this subchapter and are regulatory in nature:

(A) A sign that displays the blue and white international symbol of access accompanied by one (1) or more of the phrases referenced under subdivision (b)(1)(B) of this section;

(B) A sign that states any of the following:

(i) “Disabled Parking”;

(ii) “Van Accessible”;

(iii) “Handicapped Parking”;

(iv) “Reserved for Handicapped”;

(v) “Reserved Parking” with the blue and white international symbol of access; or

(vi) “Permit Required — Towing Enforced”; or

(C) A sign that is compliant with R7-8, R7-8a, or R7-8b of the Manual on Uniform Traffic Control Devices promulgated by the Federal Highway Administration.

(2) Corresponding pavement markings of the blue and white international symbol of access are preferred but not required for enforcement of this subchapter.

History. Acts 1985, No. 907, § 10; A.S.A. 1947, § 75-296.12; Acts 1987, No. 59, § 4; 1991, No. 656, § 13; 2005, No. 2202, § 2; 2007, No. 753, § 4; 2017, No. 799, § 9.

Amendments. The 2017 amendment rewrote (a).

Effective Dates. Acts 2017, No. 799, § 10(b): Jan. 1, 2019. Effective date clause provided: “(b) Sections 3, 4, and 9 of this

act are effective on and after January 1, 2019.”

27-15-317. Reporting misuse.

(a) The Office of Motor Vehicle may develop and implement a means by which a person may report, by telephone hotline or by submitting a form online or by mail, the alleged misuse of the privileges conferred by a:

- (1) Special license plate;
- (2) Special certificate; or
- (3) Parking space designated exclusively for parking by persons with disabilities.

(b) The office shall promulgate rules for the proper implementation of this section.

History. Acts 2017, No. 1003, § 1.

SUBCHAPTER 22 — HISTORIC OR SPECIAL INTEREST VEHICLES

SECTION.

27-15-2201. Definitions.

27-15-2202. Registration — Fee.

27-15-2209. Alternative license plates for
antique motor vehicles —
Definition.

27-15-2201. Definitions.

As used in this subchapter:

(1) “Collector” means the owner of one (1) or more motor vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of those vehicles, or parts thereof, for his or her own use in order to preserve, restore, and maintain a vehicle or vehicles for hobby purposes;

(2)(A) “Historic or special interest vehicle” means a motor vehicle of age that is essentially unaltered from the original manufacturer’s specifications and that, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

(B) “Historic or special interest vehicle” shall include a motor vehicle sometimes referred to by the classification of:

- (i) Antique;
- (ii) Horseless carriage;
- (iii) Classic; or
- (iv) Muscle car era.

(C)(i) Vehicles with modifications or deviations from the original specifications may be permitted under this classification if the modifications or deviations are of historic nature and characteristic of the approximate era to which the vehicles belong or if they could be considered to be in the category of safety features.

(ii) Safety-related modifications include hydraulic brakes, sealed beam headlights, and seat belts.

(iii) Accessories acceptable under such classifications are those available in the era to which the vehicles belong; and

(3) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually not obtainable from normal sources, thus enabling a collector to preserve, restore, and maintain a historic or special interest vehicle.

History. Acts 1975, No. 334, § 1; A.S.A. 1947, § 75-201.8; Acts 2005, No. 2202, § 2; 2019, No. 368, § 1.

inserted "motor" in (2)(A) and the introductory language of (2)(B); substituted "Muscle car era" for "action era" in (2)(B)(iv); and made stylistic changes.

Amendments. The 2019 amendment

27-15-2202. Registration — Fee.

(a)(1) A person who is the owner of a historic or special interest vehicle that is forty-five (45) years of age or older at the time of making application for registration or transfer of title may, upon application:

(A) Register the motor vehicle as a historic or special interest vehicle, upon the payment of a fee of seven dollars (\$7.00) for each historic or special interest vehicle; and

(B) Be furnished a special license plate of distinctive design to be displayed on each historic or special interest vehicle instead of the standard Arkansas license plate.

(2) A special license plate issued under subdivision (a)(1)(B) of this section shall have the same legal significance as a standard Arkansas license plate.

(3) In addition to the identification number, the special license plate issued under subdivision (a)(1)(B) of this section shall identify the motor vehicle as a historic or special interest vehicle owned by an Arkansas collector.

(4) The registration shall be valid while the historic or special interest vehicle is owned by the applicant without the payment of any additional fee, tax, or license if the owner provides the Department of Finance and Administration yearly proof of current insurance coverage on the historic or special interest vehicle as required under § 27-22-101 et seq.

(b)(1) The numbering of these plates shall continue chronologically from the existing antique automobile registration lists, using the current design and emblem.

(2) Application for these plates shall be made to the Office of Motor Vehicle on special application forms prescribed by the Commissioner of Motor Vehicles.

(c) Upon selling or otherwise relinquishing ownership of a historic or special interest vehicle, a collector may retain possession of the vehicle plate and transfer its registration to another vehicle of the same category in his or her possession, upon payment of one-half (½) the fee prescribed in subsection (a) of this section.

(d)(1) A motor vehicle manufactured as a reproduction or facsimile of a historic or special interest vehicle shall not be eligible for registration under this section unless it has been in existence for forty-five (45) years or more.

(2) The age shall be calculated from the date the motor vehicle was originally assembled as a facsimile.

(e) Collectors who, on or before July 24, 2019, have motor vehicles licensed as historic or special interest vehicles under current statutes are not required to register these motor vehicles or obtain new license plates for these motor vehicles.

(f) Each collector applying for a license plate under this subchapter shall:

(1) Own and have registered one (1) or more motor vehicles that he or she uses for regular transportation; and

(2) Provide the office proof of ownership and registration as required under subdivision (f)(1) of this section.

History. Acts 1975, No. 334, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-201.9; Acts 1999, No. 102, § 1; 2005, No. 2202, § 2; 2005, No. 2324, § 1; 2019, No. 368, §§ 2-4.

rewrote (a); substituted “forty-five (45) years” for “twenty-five (25) years” in (d)(1); substituted “motor vehicle” for “vehicle” in (d)(1) and (d)(2); and rewrote (e) and (f).

Amendments. The 2019 amendment

27-15-2209. Alternative license plates for antique motor vehicles — Definition.

(a) As used in this section, “antique license plate” means a license plate that:

(1) Is approved for issuance under subsection (e) of this section for a historic or special interest vehicle as defined in § 27-15-2201 that is more than forty-five (45) years of age instead of the special license plate issued under § 27-15-2202; and

(2) Was issued by and approved for use in the State of Arkansas in the same year as the model year of the vehicle that is being licensed.

(b) If a person is eligible for a special license plate for a historic or special interest vehicle, the person may choose to use an antique license plate under this section instead of a license plate that is currently issued under § 27-15-2202 by the Office of Motor Vehicle.

(c) An applicant who seeks to use an antique license plate under this section shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle; and

(2) A handling and administrative fee in the amount of ten dollars (\$10.00).

(d) To renew an antique license plate under this section, the owner of the motor vehicle shall remit the fee required by law for the registration and licensing of the motor vehicle.

(e)(1) An applicant who seeks to use an antique license plate other than the special license plate issued by the office under § 27-15-2202

shall be required to submit the license plate to the office for inspection to determine whether the antique license plate may be used.

(2) If the office determines that the antique license plate is unacceptable, the applicant shall not be allowed to use the antique license plate.

(3) The reasons for which the office may prohibit the use of an antique license plate include, but shall not be limited to:

(A) The antique license plate does not meet reasonable reflective and safety standards;

(B) The number of the antique license plate is the same as the number issued to a license plate that is currently in circulation; and

(C) The administrative costs associated with recording and maintaining the antique license plate are prohibitive.

(4) The office may promulgate rules to administer the provisions of this section.

(f) Collectors who, on or before July 24, 2019, have vehicles licensed as historic or special interest vehicles under current statutes shall not be required to register these vehicles or obtain new license plates for these vehicles.

(g) Each collector applying for a license plate under this subchapter shall:

(1) Own and have registered one (1) or more motor vehicles that he or she uses for regular transportation; and

(2) Provide the office proof of ownership and registration as required under subdivision (g)(1) of this section.

History. Acts 2005, No. 2240, § 1; 2019, No. 368, §§ 5, 6.

Amendments. The 2019 amendment, in (a)(1), substituted “forty-five (45) years”

for “twenty-five (25) years” and substituted “defined in” for “defined under”; and added (f) and (g).

SUBCHAPTER 24 — AMATEUR RADIO OPERATORS

- SECTION.
27-15-2401. Special license plates authorized.
27-15-2402. Applications.

- SECTION.
27-15-2404. Rules.
27-15-2405. Lists for public information.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-15-2401. Special license plates authorized.

(a)(1) Each owner of a motor vehicle who is a resident of the State of Arkansas and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission shall be issued a license plate as prescribed by law for private passenger cars upon application and:

(A) Proof of ownership of an amateur radio station license;

(B) Compliance with the state motor vehicle laws relating to regulation and licensing of motor vehicles; and

(C) Payment of the regular license fee for plates as prescribed by law and the payment of an additional fee of two dollars (\$2.00).

(2) Upon the plate, in lieu of the numbers as prescribed by law, shall be inscribed the official amateur station call sign of the applicant as assigned by the Federal Communications Commission.

(b) The motor vehicle owner may apply for and annually renew up to four (4) plates issued under this section for each amateur radio station license held by the motor vehicle owner for not more than four (4) vehicles.

(c)(1) The Office of Driver Services may add additional characters to the call sign in sequential order to identify each additional plate issued for each amateur radio station license.

(2) The office may charge an additional fee of two dollars (\$2.00) for each additional plate issued for each amateur radio station license.

(d)(1) The additional fees remitted under subdivision (a)(1)(C) and subdivision (c)(2) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fees shall be credited as supplemental and in addition to all other funds deposited for the benefit of the division.

(3) The fees shall not be considered or credited to the division as direct revenue.

History. Acts 1953, No. 146, §§ 1, 4; A.S.A. 1947, §§ 75-267, 75-269n; Acts 2005, No. 2202, § 2; 2015, No. 737, § 1.

27-15-2402. Applications.

All applications for special license plates under this subchapter shall be made to the Secretary of the Department of Finance and Administration.

History. Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2; 2019, No. 910, § 4627.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-15-2404. Rules.

The Secretary of the Department of Finance and Administration shall make such rules as are necessary to ascertain compliance with all state license laws relating to the use and operation of motor vehicles before issuing the special license plates under this subchapter in lieu of the regular license plates.

History. Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2; 2019, No. 315, § 3111; 2019, No. 910, § 4628.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

27-15-2405. Lists for public information.

(a) On or before March 1 of each year, the Secretary of the Department of Finance and Administration shall furnish to the sheriff of each county in the state an alphabetically arranged list of the names, addresses, and amateur station call signs on the license plates of all persons to whom license plates are issued under the provisions of this subchapter.

(b) It shall be the duty of the sheriffs of the state to maintain, and keep current, these lists for public information and inquiry.

History. Acts 1953, No. 146, § 3; A.S.A. 1947, § 75-269; Acts 2005, No. 2202, § 2; 2019, No. 910, § 4629.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

Amendments. The 2019 amendment

SUBCHAPTER 31 — SEARCH AND RESCUE SPECIAL LICENSE PLATES

SECTION.

27-15-3103. Rules.

27-15-3103. Rules.

The Department of Finance and Administration shall promulgate rules necessary to implement this subchapter.

History. Acts 1997, No. 538, § 1; 2005, No. 2202, § 2; 2019, No. 315, § 3112.

substituted "rules" for "regulations" in the section heading and in the text.

Amendments. The 2019 amendment

SUBCHAPTER 40 — MISCELLANEOUS

SECTION.

27-15-4001. Buses converted to or equipped as campers.

27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-15-4001. Buses converted to or equipped as campers.

(a) Any person in this state who owns a school bus or other bus which has been converted to or equipped as a camper and is used solely as a camper may register it and obtain special motor vehicle license plates for it upon application to the Secretary of the Department of Finance and Administration and upon the payment of an annual registration fee of thirteen dollars (\$13.00).

(b) No more than one (1) family or six (6) persons, whichever shall be the greater number, shall be transported upon the public highways of this state in a camper bus licensed under the provisions of this section.

(c) Any person owning a camper bus registered and licensed pursuant to this section who shall use the bus or permit it to be used for any purpose other than as a camper bus or who shall operate or permit it to be operated in violation of this section shall be required to pay the annual registration fee prescribed by law for other vehicles of the same class as such vehicle, and in addition, shall pay a penalty in an amount equal to one-half (½) of the annual fee.

History. Acts 1965, No. 87, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-285, 75-286; Acts 2005, No. 2202, § 2; 2019, No. 910, § 4630.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.

(a) Whenever any dealer in new motor vehicles in this state shall lend any new motor vehicle to any public school district in this state to be used by the district and to be returned to the motor vehicle dealer within a specified time, the motor vehicle shall be exempt from all state, county, or municipal taxes and license fees during the time it is being used by the school district.

(b) The Secretary of the Department of Finance and Administration shall issue, without charge to the school district, the appropriate motor vehicle license plates for the vehicle.

(c) Upon any such motor vehicle’s being returned to the motor vehicle dealer and upon the sale of the vehicle by the dealer, the appropriate gross receipts taxes, registration and license fees, and any other taxes due on the vehicle shall be due and payable in the manner provided by law.

History. Acts 1963, No. 26, § 1; A.S.A. 1947, § 75-281; Acts 2005, No. 2202, § 2; 2019, No. 910, § 4631.
Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (b).

SUBCHAPTER 49 — IN GOD WE TRUST LICENSE PLATE

SECTION.	SECTION.
27-15-4901. In God We Trust license plate authorized.	27-15-4907. Compliance with other laws.
27-15-4902. Design.	27-15-4908. Rules.
27-15-4904. In God We Trust License Plate Fund.	

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-15-4901. In God We Trust license plate authorized.

The Secretary of the Department of Finance and Administration shall issue a special In God We Trust motor vehicle license plate in the manner and subject to the conditions prescribed in this subchapter.

History. Acts 2005, No. 727, § 1; 2019, No. 910, § 4632.
Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-15-4902. Design.

- (a) The special In God We Trust motor vehicle license plates shall:
- (1) Be designed by the Department of Finance and Administration;
 - (2) Contain the words “In God We Trust”; and
 - (3) Be numbered consecutively.

(b)(1) Before the Secretary of the Department of Finance and Administration creates and issues a special license plate under this subchapter, one (1) of the following must occur:

(A) A fee in the amount of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate is remitted to the Department of Finance and Administration by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, a person, or other entity; or

(B) The Department of Finance and Administration receives a minimum of one thousand (1,000) applications for the special license plate.

(2)(A) The fee collected under subdivision (b)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(B) The fee shall not be considered or credited to the division as direct revenues.

(C) The fee may be paid by any person or organization or by any combination of persons or organizations.

History. Acts 2005, No. 727, § 1; 2017, No. 913, § 130; 2019, No. 910, § 4633.

Amendments. The 2017 amendment substituted “Division of Aging, Adult, and Behavioral Health Services” for “Division of Aging and Adult Services” in (b)(1)(A).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (b)(1).

27-15-4904. In God We Trust License Plate Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “In God We Trust License Plate Fund”.

(b)(1) All moneys collected as design-use contribution fees under § 27-15-4903 shall be deposited into the State Treasury as special revenues to the credit of the fund.

(2) The fund shall also consist of any other revenues as may be authorized by law.

(c)(1)(A) The fund shall be used by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to provide quarterly cash grants to each senior citizen center in a similar method as is used in the State of Arkansas’s current system for distributing United States Department of Agriculture money to the senior citizen centers to purchase raw food.

(B) All moneys in the fund shall be used exclusively by the division as provided in subdivisions (c)(2) and (3) of this section.

(C)(i) All moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used exclusively by senior citizen centers for purchasing food for use in a home-delivered meal program.

(ii) No moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used for administration expenses by a state agency, senior citizen center, or any other nonprofit or for-profit organization.

(2)(A) The division shall distribute the moneys collected under this subchapter as cash grant awards to senior citizen centers in the State of Arkansas.

(B) The cash grant awards shall be based on the average number of meals served each day for the prior quarter within the senior citizen center's respective geographic area.

(3) Each senior citizen center that receives a cash grant award under this subchapter shall use the moneys exclusively for purchasing food for use in a home-delivered meal program.

History. Acts 2005, No. 727, § 1; 2017, No. 913, § 131. substituted "Division of Aging, Adult, and Behavioral Health Services" for "Division of Aging and Adult Services" in (c)(1)(A).

Amendments. The 2017 amendment

27-15-4907. Compliance with other laws.

The special In God We Trust license plate shall comply with all state motor vehicle laws relating to registration and licensing of motor vehicles unless specifically provided otherwise in this subchapter.

History. Acts 2005, No. 727, § 1; 2015, No. 1158, § 2.

27-15-4908. Rules.

The Secretary of the Department of Finance and Administration shall promulgate reasonable rules and prescribe forms as the secretary determines to be necessary for effectively and efficiently carrying out the intent and purposes of this subchapter.

History. Acts 2005, No. 727, § 1; 2019, No. 315, § 3113; 2019, No. 910, § 4634.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" and "secretary" for "director".

SUBCHAPTER 51 — ARKANSAS STATE GOLF ASSOCIATION LICENSE PLATE

SECTION.

27-15-5101. Arkansas State Golf Association license plate authorized.

SECTION.

27-15-5102. Design — Numbered plates.
27-15-5106. Compliance with other laws.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by

the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act estab-

lishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should be-

come effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-15-5101. Arkansas State Golf Association license plate authorized.

The Secretary of the Department of Finance and Administration shall provide for and issue Arkansas State Golf Association special license plates in the manner and subject to the conditions under this subchapter.

History. Acts 2005, No. 1574, § 1; 2019, No. 910, § 4635.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-15-5102. Design — Numbered plates.

(a)(1) The Arkansas State Golf Association special license plates shall be designed by the Arkansas State Golf Association.

(2) The design shall be submitted to the Secretary of the Department of Finance and Administration for design approval under rules of the secretary.

(3) The association may periodically submit a newly designed license plate for approval and issuance by the secretary with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the secretary, the association shall remit to the Department of Finance and Administration a fee in the amount of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The secretary shall promulgate reasonable rules and prescribe any forms as the secretary determines to be necessary to carry out the intent and purposes of this subchapter.

History. Acts 2005, No. 1574, § 1; 2019, No. 315, § 3114; 2019, No. 910, §§ 4636-4638.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (c).

The 2019 amendment by No. 910 substituted "Secretary of the Department of

Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(2); and substituted “secretary” for “director” throughout the section.

27-15-5106. Compliance with other laws.

The Arkansas State Golf Association special license plates shall comply with all other state motor vehicle laws relating to registration and licensing of motor vehicles, except as specifically provided otherwise in this subchapter.

History. Acts 2005, No. 1574, § 1; 2015, No. 1158, § 3.

SUBCHAPTER 52 — ARKANSAS FALLEN FIREFIGHTERS’ MEMORIAL SPECIAL LICENSE PLATE

SECTION.	SECTION.
27-15-5201. Arkansas Fallen Firefighters’ Memorial special license plate authorized.	27-15-5202. Plate design.
	27-15-5206. Compliance with other laws.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-15-5201. Arkansas Fallen Firefighters’ Memorial special license plate authorized.

The Secretary of the Department of Finance and Administration shall provide for and issue Arkansas Fallen Firefighters’ Memorial special license plates for motor vehicles in the manner provided in this subchapter.

History. Acts 2005, No. 1577, § 1; 2019, No. 910, § 4639.
Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-15-5202. Plate design.

(a)(1) The special motor vehicle license plates shall be designed by the Arkansas Fallen Firefighters’ Memorial Board.

(2) The design shall be submitted for design approval by the Secretary of the Department of Finance and Administration under rules of the secretary.

(3) The board may periodically submit a newly designed license plate for approval and issue by the secretary with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the secretary, the board shall remit to the Department of Finance and Administration a fee of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The secretary shall promulgate reasonable rules and prescribe any forms as he or she determines to be necessary to carry out the intent and purposes of this subchapter.

History. Acts 2005, No. 1577, § 1; 2019, No. 910, §§ 4640-4642.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(2); and substituted "secretary" for "director" throughout the section.

27-15-5206. Compliance with other laws.

Except as specifically provided otherwise in this subchapter, the Arkansas Fallen Firefighters' Memorial special license plates shall comply with all other state motor vehicle laws relating to registration and licensing of motor vehicles.

History. Acts 2005, No. 1577, § 1; 2015, No. 1158, § 4.

CHAPTER 16

DRIVER'S LICENSES GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DEFINITIONS. [REPEALED.]
3. PENALTIES.
4. OFFICE OF DRIVER SERVICES.
5. ADMINISTRATION GENERALLY.
6. LICENSING REQUIREMENTS.
7. APPLICATION AND EXAMINATION.
8. ISSUANCE OF LICENSES AND PERMITS.
9. EXPIRATION, CANCELLATION, REVOCATION, OR SUSPENSION.
11. DRIVER'S LICENSE SECURITY AND MODERNIZATION ACT.

SUBCHAPTER.

12. ARKANSAS VOLUNTARY ENHANCED SECURITY DRIVER'S LICENSE AND IDENTIFICATION CARD ACT.
13. EMERGENCY CONTACT INFORMATION SYSTEM ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 27-16-101. Title.
- 27-16-104. Definitions.

27-16-101. Title.

This chapter may be cited as the "Motor Vehicle Driver's License Act".

History. Acts 1937, No. 280, § 44; Pope's Dig., § 6868; A.S.A. 1947, § 75-348; Acts 1993, No. 445, § 1; 2017, No. 448, § 18. **Amendments.** The 2017 amendment deleted "Uniform" preceding "Motor Vehicle".

27-16-104. Definitions.

As used in this chapter:

(1) "Driver" means a person who is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

(2) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(3) "Motor vehicle" means a vehicle that is self-propelled or that is propelled by electric power drawn from overhead trolley wires but is not operated upon stationary rails or tracks;

(4) "Nonresident" means a person who is not a resident of this state;

(5)(A) "Owner" means a person who holds the legal title of a vehicle.

(B) In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter;

(6) "Person" means a natural person, firm, copartnership, association, or corporation;

(7)(A) "Resident" means any person who:

(i) Remains in this state for a period of more than ninety (90) days;

(ii) Resides in this state due to a change of abode; or

(iii) Is domiciled in this state on a temporary or permanent basis.

(B) "Resident" does not include any person who is in this state as a student;

(8) "Revoke" means to terminate by formal action a driver's license or privilege to operate a motor vehicle on a public highway, which shall not be subject to renewal or restoration;

(9) "School bus" means a motor vehicle that is owned by a public or governmental agency and operated for the transportation of children to or from school or that is privately owned and operated for compensation for the transportation of children to or from school;

(10) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part of the way is open to the use of the public for purposes of vehicular traffic;

(11) "Suspend" means to temporarily withdraw by formal action a driver's license or privilege to operate a motor vehicle on a public highway, which shall be for a period specifically designated by the suspending authority; and

(12) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

History. Acts 1937, No. 280, §§ 1-6; Pope's Dig., §§ 6825-6830; Acts 1953, No. 85, § 1; 1959, No. 307, § 5; 1969, No. 300, § 1; A.S.A. 1947, §§ 75-301-75-306; Acts 1993, No. 445, §§ 2, 40; 2017, No. 448, § 19.

Publisher's Notes. The definitions in this section were formerly codified as § 27-16-201 et seq.

CASE NOTES

ANALYSIS

Formal Action Required.

Minors.

Person.

Suspension.

—Foreign State.

—Temporary Withdrawal.

Formal Action Required.

Under Arkansas law, a driver's license is not automatically revoked or suspended by operation of law when grounds therefore arise, but only after formal action is taken to revoke or suspend the license. *Mounts v. State*, 48 Ark. App. 1, 888 S.W.2d 321 (1994).

Minors.

Where a motorcycle ridden by a minor and a car driven by the defendant collided, it was not reversible error to refuse to instruct the jury that a minor should not be held to the same standard of care as an adult and that a higher degree of care is owed to minors, as this section and §§ 27-51-201, 27-51-208 — 27-51-211, and 27-51-308, pertaining to safety on the highways, disclose no distinction between the degree of care to be exercised by a

minor and an adult. *Harrelson v. Whitehead*, 236 Ark. 325, 365 S.W.2d 868 (1963).

Person.

Employer who caused truck which he had control of to be set in motion and to be operated was a "person" within the meaning of the provisions of § 27-37-205 prohibiting a person from operating a motor truck without flares and warning signals. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

Suspension.

—Foreign State.

Suspensions in one state have the effect of precluding a driver from obtaining a license in other states; that is what happens in Arkansas, and recognition of foreign state suspensions is appropriate so long as those suspensions are effective for a fixed period of time. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

Foreign state suspensions are not appropriate when they exist for indefinite periods without explanation or reason. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

—Temporary Withdrawal.

A suspension that continues for nine or ten years is not temporary under anyone's definition and certainly exceeds the one-

year limitation set out under § 27-16-912. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

SUBCHAPTER 2 — DEFINITIONS

SECTION.

27-16-201 — 27-16-207. [Repealed.]

27-16-201 — 27-16-207. [Repealed.]

Publisher's Notes. This subchapter, concerning definitions, was repealed by Acts 2017, No. 448, § 20.

For current law, see §§ 27-16-104, 27-

16-303. The history notes of the former sections have been added to §§ 27-16-104 and 27-16-303, as appropriate.

SUBCHAPTER 3 — PENALTIES

SECTION.

27-16-303. Driving while license cancelled, suspended, or revoked.

27-16-303. Driving while license cancelled, suspended, or revoked.

(a)(1) Any person whose driver's license or driving privilege as a resident or nonresident has been cancelled, suspended, or revoked as provided in this chapter and who drives any motor vehicle upon the highways of this state while the license or privilege is cancelled, suspended, or revoked is guilty of a misdemeanor.

(2) Upon conviction, an offender shall be punished by imprisonment for not less than two (2) days nor more than six (6) months, and there may be imposed in addition thereto a fine of not more than five hundred dollars (\$500).

(b)(1) The Office of Driver Services, upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of the person was suspended, shall extend the period of the suspension for an additional like period and, if the conviction was upon a charge of driving while a license was revoked, the office shall not issue a new license for an additional period of one (1) year from and after the date the person would otherwise have been entitled to apply for a new license.

(2) However, an application for a new license may be presented and acted upon by the office after the expiration of at least one (1) year after the date of revocation.

History. Acts 1937, No. 280, §§ 3, 37; §§ 75-303-75-341; Acts 1993, No. 445, Pope's Dig., § 6861; Acts 1959, No. 307, § 4; 1999, No. 1018, § 1; 2017, No. 448, § 17; 1969, No. 300, § 1; A.S.A. 1947, § 21.

Publisher's Notes. Subdivision (b)(2) of this section was formerly codified as part of § 27-16-206, now repealed.

Amendments. The 2017 amendment redesignated former (b) as (b)(1); and added (b)(2).

RESEARCH REFERENCES

Ark. L. Rev. Bryan Altman, Comment: Improving the Indigent Defense Crisis Through Decriminalization, 70 Ark. L. Rev. 769 (2017).

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Wallace Burchfield, A Ticket to Jail: Do Minor Traffic Violations Result in Jail Time for Poor Arkansans?, 42 U. Ark. Little Rock L. Rev. 371 (2020).

SUBCHAPTER 4 — OFFICE OF DRIVER SERVICES

SECTION.

27-16-401. Definitions.

27-16-402. Creation.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Commissioner" means the Secretary of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles of this state;

(2) "Director" means the Director of the Office of Driver Services;

(3) "Driver" means the same as provided in § 27-16-104;

(4) "Serious accident" means:

(A) A reportable accident in which the driver is found at fault; and

(B) The accident is placed on the driver's records by the Office of Driver Services; and

(5) "Serious traffic violation" means any violation where the driver's privilege to operate a motor vehicle has by court order or by administrative action been withdrawn or any violation in which a driver has been found guilty of:

(A) Any alcohol-related moving traffic violation;

(B) Any seat belt violation;

(C) Any commercial motor vehicle violation;

- (D) Driving fifteen (15) or more miles per hour over the speed limit;
- (E) Reckless driving;
- (F) Negligent homicide;
- (G) Using a vehicle to commit a felony;
- (H) Failure to carry liability insurance;
- (I) Leaving the scene of an accident;
- (J) Evading arrest;
- (K) Fleeing by use of an automobile;
- (L) Unsafe driving;
- (M) Hazardous driving;
- (N) Prohibited passing;
- (O) Passing stopped school bus;
- (P) Careless or negligent driving;
- (Q) Failure to obey a traffic signal or device;
- (R) Failure to obey a railroad crossing barrier;
- (S) Racing on a highway;
- (T) Driving with a suspended, revoked, or cancelled license; or
- (U) Driving the wrong way down a one-way street.

History. Acts 1965, No. 555, § 1; A.S.A. 1947, § 75-353; Acts 1993, No. 445, § 5; 2001, No. 1694, § 10; 2019, No. 394, § 3; 2019, No. 910, § 4643.

Amendments. The 2019 amendment by No. 394 substituted “§ 27-16-104” for “§ 27-16-204” in (3).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (1).

27-16-402. Creation.

(a) There is established within the Department of Finance and Administration a separate office to be known as the “Office of Driver Services” which shall, acting under the direction and supervision of the Secretary of the Department of Finance and Administration, administer the provisions of this chapter and the other laws of this state regarding the licensing of motor vehicle drivers and the laws relating to the suspension and revocation of their licenses.

(b) The secretary shall, upon approval of the Governor, appoint a director of the office, and the director shall, acting under the supervision of the secretary, serve as the principal administrative officer of the office.

(c) The secretary is the official custodian of records of the office.

History. Acts 1965, No. 555, § 2; A.S.A. 1947, § 75-354; Acts 1993, No. 445, § 6; 2021, No. 732, § 7.

Amendments. The 2021 amendment substituted “Secretary of the Department

of Finance and Administration” for “Commissioner of Motor Vehicles” in (a); substituted “secretary” for “commissioner” twice in (b); and added (c).

SUBCHAPTER 5 — ADMINISTRATION GENERALLY

SECTION.

27-16-508. Fee for reinstatement — Definition.

SECTION.

27-16-509. Reciprocal agreements — Definition.

Effective Dates. Acts 2015, No. 1193, § 3: Jan. 1, 2016, until June 30, 2016.

Acts 2017, No. 915, § 3: Sept. 1, 2017, until Jan. 15, 2019.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified

sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-508. Fee for reinstatement — Definition.

(a)(1) The Office of Driver Services shall collect a reinstatement fee of one hundred dollars (\$100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license, other than:

(A) Orders eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808; and

(B) Orders entered under § 27-16-909.

(2)(A) If a person's driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state, the office shall permit the person to pay only one (1) reinstatement fee of one hundred dollars (\$100) to cover all administrative orders to suspend, revoke, or cancel a driver's license for a person ordered to pay a reinstatement fee under § 27-16-808 or subdivision (a)(1) of this section if a district court or circuit court verifies to the office that the person has:

(i) Paid all other court costs, fines, and fees associated with the criminal offense that led to his or her driver's license suspension;

(ii) Graduated from a specialty court program; and

(iii) Provided the sentencing court with a reinstatement letter from the Department of Finance and Administration showing all outstanding suspension or revocation orders.

(B) Subdivision (a)(2)(A) of this section does not apply to:

(i) A reinstatement fee ordered under this section, § 5-65-119, § 5-65-304, or § 5-65-310; or

(ii) A fee ordered to reinstate commercial driving privileges.

(3) A person may not avail himself or herself of the provisions of subdivision (a)(2) of this section more than one (1) time.

(4) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section shall be set off against a taxpayer's state income tax refund.

(5) A court may only verify the completion of the requirements under subdivision (a)(2)(A) of this section to the office for a suspension or revocation that occurred as a result of a conviction or other action taken in that particular court or jurisdiction.

(b) The revenues derived from this fee shall be deposited into the State Treasury as special revenues to the credit of the Division of Arkansas State Police Fund.

(c) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

(d) As used in this section, "specialty court program" means a specialty court program as authorized by the Supreme Court under § 16-10-139.

History. Acts 2003, No. 1001, § 4; 2005, No. 1992, § 4; 2011, No. 194, § 2; ; 2015, No. 1193, § 3; 2017, No. 915, § 3; 2019, No. 803, § 4; 2019, No. 910, § 6038; 2019, No. 992, § 1.

A.C.R.C. Notes. Acts 2019, No. 992, § 3, provided: "Report required."

"(a) The Department of Finance and Administration shall prepare an annual report concerning this act that includes the following information:

"(1) The number of eligible participants;

"(2) The number of participants who were reinstated under this act; and

"(3) The dollar amount paid and the dollar amount written off during the time this act is effective.

"(b) The Department of Finance and Administration shall submit the report under subsection (a) of this section to the Legislative Council and the Director of the Department of Arkansas State Police by October 1 of each year."

The amendment of this section by Acts 2019, No. 992, supersedes the amendment by Acts 2019, No. 803. Acts 2019, No. 803, amended the version of § 27-15-508(a) effective after January 15, 2019, to read as follows:

"(a)(1) The Office of Driver Services shall collect a reinstatement fee of one hundred dollars (\$100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license, other than orders eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808 and other than orders entered under § 27-16-909.

"(2) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section that are owed by a taxpayer shall be setoff against the taxpayer's state income tax refund."

Amendments. The 2017 amendment redesignated (a) as (a)(1); added (a)(2) through (a)(4); and added (d).

The 2019 amendment by No. 803 added (a)(2) and redesignated former (a) as (a)(1).

The 2019 amendment by No. 910 substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" in (b).

The 2019 amendment by No. 992 added "Definition" in the section heading; and rewrote the section.

27-16-509. Reciprocal agreements — Definition.

(a)(1) As used in this section, “reciprocal agreement” means the Driver License Agreement or a similar proposed compact regarding the uniform transfer of driver’s license information to prevent a person from having multiple driving records in multiple states or jurisdictions.

(2) “Reciprocal agreement” includes an agreement that:

(A) Provides a consistent method of sharing driving records and updating violations in multiple states or jurisdictions, including ticket and violation information; and

(B) Takes advantage of technological advances in the transmission of data.

(b) The purpose of this section is to allow the State of Arkansas to negotiate and consummate a reciprocal agreement with the duly authorized officials or representatives of the following:

(1) A state or territory of the United States;

(2) A state, territory, district, or province of Canada or Mexico; or

(3) The government of the United States, Canada, or Mexico.

(c)(1) The Secretary of the Department of Finance and Administration may negotiate and consummate a reciprocal agreement as provided under this section.

(2) If the secretary enters into a reciprocal agreement under this section, then he or she shall exercise due regard for the advantage and convenience of resident drivers and citizens of the State of Arkansas.

(3) The secretary shall only enter into a reciprocal agreement that extends equal or greater privileges and exemptions to Arkansas motor vehicle drivers as compared to the privileges and exemptions provided to the other entity’s motor vehicle drivers.

(d)(1) The secretary shall enter into a reciprocal agreement under this section by promulgating rules in compliance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) The reciprocal agreement shall become effective as outlined in the reciprocal agreement.

(e)(1)(A) If the secretary enters into a reciprocal agreement under this section, then he or she shall submit a report to the following:

(i) The cochairs of the Legislative Council;

(ii) The Chair of the House Committee on Public Transportation and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs; and

(iii) The Director of the Bureau of Legislative Research.

(B) The report shall be submitted within sixty (60) days after the reciprocal agreement becomes effective but no later than one hundred twenty (120) days before the convening of the Eighty-Sixth General Assembly regardless of the effective date of the reciprocal agreement.

(2) The report under this subsection shall include the following:

(A) Drafts of legislation that make changes to the law that are necessary to comply with the reciprocal agreement;

(B) A report that explains the drafts of legislation;

(C) Background information related to the recommended changes in the law, including an explanation of how other states and governments are responding to the reciprocal agreement; and

(D) Any other information that is requested by the cochairs of the Legislative Council, the Chair of the House Committee on Public Transportation and the Chair of the Senate Committee on Transportation, Technology, and Legislative Affairs, or the Director of the Bureau of Legislative Research.

History. Acts 2005, No. 446, § 1; 2017, No. 448, §§ 22-24; 2019, No. 910, §§ 4644-4646.

Amendments. The 2017 amendment substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" and "commissioner" throughout (c), (d), and (e); and

inserted "Public" following "Senate Committee on" in (e)(1)(A)(ii).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" throughout (c), and in (d)(1) and (e)(1)(A).

SUBCHAPTER 6 — LICENSING REQUIREMENTS

SECTION.

27-16-601. Driver's license to be carried and exhibited on demand.

SECTION.

27-16-604. Persons not to be licensed.

Preambles. Acts 2015, No. 1199, contained a preamble which read:

"WHEREAS, injuries caused by motor vehicle accidents are the leading cause of death for children and adolescents in the United States and in Arkansas. Motor vehicle crashes rank first for injury-related deaths and disability, particularly for teenagers between fourteen (14) and nineteen (19) years of age, accounting for one-third (1/3) of teen deaths; and

"WHEREAS, the risk of motor vehicle accidents is highest when adolescents are learning to drive and within the first year after licensing. Adolescents represent the highest risk age group on the roads. Drivers sixteen (16) years of age are four (4) times more likely to be involved in a motor vehicle accident than drivers between the ages of twenty (20) and twenty-four (24); and

"WHEREAS, Arkansas has historically had much higher rates of teen driving crashes and fatalities than other states. As recently as 2008, Arkansas teens were dying at two (2) times the national average; and

"WHEREAS, motor vehicle death rates recently have decreased nationally and

more dramatically in Arkansas, with a reduction of more than fifty percent (50%) in the past six (6) years; and

"WHEREAS, recent research has led to an improved understanding of the factors that make learning to drive and novice driving safer, including a three phase approach: the learner stage with supervised driving, the intermediate stage permitting solo driving with restrictions on high-risk situations, followed by granting a full license without driving restrictions; and

"WHEREAS, new research that focuses on supervised driver experience during the learner's period demonstrates the importance of having a licensed driver as a coach during the first twelve (12) months of driving experience while learning to negotiate the many demands of driving safely, reducing the likelihood of deaths and insurance claims for drivers sixteen (16) years of age by as much as twenty-six percent (26%); and

"WHEREAS, statistical research offered by the Arkansas Center for Health Improvement, in coordination with the Injury Prevention Center at Arkansas Children's Hospital, demonstrates that parental involvement, teen driver educa-

tion, and enforcement of the principles of the graduated drivers licenses contained in Arkansas Code § 27-16-701, et seq., and Arkansas Code § 27-16-801, et seq., have reduced the loss of life and injuries to teen drivers; and

“WHEREAS, a demonstrated need exists for more parental education about the mechanics and procedures contained in the graduated drivers license laws to help Arkansas families procure drivers licenses for their teenagers; and

“WHEREAS, in rural Arkansas limited opportunities exist for teens to apply, take the written driving test, and take the drivers’ skills test necessary to procure a drivers license; and

“WHEREAS, it is in the best interest of Arkansas’s families to streamline the process to reduce time away from work for parents; and

“WHEREAS the Department of Arkansas State Police is the lead governmental agency in testing for drivers licenses and providing information about obtaining drivers licenses; and

“WHEREAS, the Department of Arkansas State Police is promulgating rules and conducting training to make drivers license testing consistent across the state; and

“WHEREAS, the Department of Arkansas State Police is taking steps to proliferate vital information about drivers education and licensing procedures; and

“WHEREAS, the Department of Finance and Administration dispenses the drivers’ licenses after all prerequisites have been complied with by prospective teen drivers and their families through the Department of Arkansas State Police, NOW THEREFORE, ...”

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-16-601. Driver’s license to be carried and exhibited on demand.

(a) A licensee shall have his or her driver’s license or a digital copy of the driver’s license provided by the Office of Driver Services under § 27-16-801 in his or her immediate possession at all times when operating a motor vehicle and shall display the driver’s license or a digital copy of the driver’s license upon demand of a justice of the peace, a peace officer, or an employee of the office.

(b) No person charged with violating this section shall be convicted if he or she produces in court a driver’s license issued to him or her and valid at the time of his or her arrest.

History. Acts 1937, No. 280, § 19; Pope’s Dig., § 6843; A.S.A. 1947, § 75-323; Acts 1993, No. 445, § 10; 2017, No. 557, § 1.

Amendments. The 2017 amendment,

in (a), substituted “A” for “Every”, inserted “or a digital copy of the driver’s license provided by the Office of Driver Services under § 27-16-801”, substituted “driver’s license or a digital copy of the

driver's license" for "license", and substituted "office" for "Office of Driver Services".

27-16-604. Persons not to be licensed.

(a) The Office of Driver Services shall not issue any license under this chapter to any person:

(1) As a noncommercial driver who is under eighteen (18) years of age, except that the Office of Driver Services may issue an intermediate license as provided to any person who is at least sixteen (16) years of age and a learner's permit license to any person who is at least fourteen (14) years of age. This age restriction does not apply to a person who is at least sixteen (16) years of age and:

(A) Married;

(B) Possesses a high school diploma;

(C) Has successfully completed a high school equivalency test; or

(D) Is enlisted in the United States military;

(2) As a commercial driver who is under eighteen (18) years of age;

(3) As a commercial or noncommercial driver whose:

(A) License to operate a motor vehicle has been suspended, in whole or in part, by this state or by any other state, during the suspension; or

(B) License has been revoked, in whole or in part, by this state or by any other state, until the expiration of one (1) year after the license was revoked;

(4) As a commercial or noncommercial driver who is a habitual drunkard, a habitual user of narcotic drugs, or a habitual user of any other drug to a degree which renders him or her incapable of safely driving a motor vehicle;

(5) As a commercial or noncommercial driver who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(6) As a commercial or noncommercial driver who is required by this chapter to take an examination, unless the person shall have successfully passed the examination;

(7) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

(8) Who is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/70 in the better eye or if the total visual field of the person is less than one hundred five degrees (105°);

(9) Whose operation of a motor vehicle on the highways the Secretary of the Department of Finance and Administration has good cause to believe would be inimical to public safety or welfare;

(10) Who is making an initial application for an Arkansas driver's license and who is not lawfully within the United States;

(11) Who is a noncommercial driver between sixteen (16) and eighteen (18) years of age who has not possessed a restricted license, an

instruction permit, or a combination of both a restricted license and an instruction permit for at least six (6) months;

(12) Who is making an initial application for an Arkansas driver's license and cannot provide the information required under § 27-16-1105(a); or

(13) Who is seeking an initial application or renewal of an Arkansas driver's license or photo identification and cannot show either an Arkansas driver's license or identification, two (2) primary documents, or one (1) primary and one (1) secondary document prescribed by the Department of Finance and Administration and updated as needed.

(b) The Office of Driver Services is authorized to secure from all state agencies involved the necessary information to comply with the provisions of this section.

(c) The department shall promulgate a list of documents acceptable under subdivision (a)(12) or subdivision (a)(13) of this section and post the list in each revenue office in the state.

History. Acts 1937, No. 280, § 9; Pope's Dig., § 6833; Acts 1959, No. 307, § 13; 1967, No. 339, § 1; 1969, No. 142, § 7; A.S.A. 1947, § 75-309; Acts 1989, No. 193, § 1; 1993, No. 445, § 13; 1997, No. 208, § 33; 1997, No. 1099, § 1; 1999, No. 25, § 1; 2001, No. 1694, § 1; 2001, No. 1812, §§ 2, 3; 2007, No. 444, § 1; 2015, No. 696, § 1; 2015, No. 1115, § 31; 2015, No. 1199, § 3; 2017, No. 448, § 25; 2019, No. 910, § 4647.

A.C.R.C. Notes. Acts 2015, No. 1199, § 1, provided: "Title. This act shall be known and may be cited as the 'Arkansas Teen Driver and Parental Education Act of 2015'."

Acts 2015, No. 1199, § 2, provided: "Duties of Department of Arkansas State Police. The Department of Arkansas State Police shall:

"(1) Improve its official website in coordination with the Injury Prevention Center at Arkansas Children's Hospital to:

"(A) Become the repository of information regarding the mechanics and procedures for obtaining graduated drivers licenses; and

"(B) Include without limitation:

"(i) A parental checklist of steps needed to obtain a graduated drivers license;

"(ii) Specific information about documents needed to make application for a graduated drivers license; and

"(iii) Specific information regarding the times for the written driving tests and the

driving skills tests in each county of the state;

"(2) In coordination with the Injury Prevention Center at Arkansas Children's Hospital, distribute information electronically, virtually, and through literature about the graduated drivers license application and procedures to:

"(A) Secondary schools throughout the state; and

"(B) Parents of prospective drivers;

"(3) Update the drivers manual in coordination with the Injury Prevention Center at Arkansas Children's Hospital; and

"(4)(A) File a report with the cochair of the Legislative Council and the Director of the Bureau of Legislative Research within one hundred eighty (180) days of the effective date of this act.

"(B) The report shall include:

"(i) A detailed description of all steps taken to comply with this section; and

"(ii) Recommendations to improve drivers licensing practices and procedures, driver education, and driver safety in this state."

Amendments. The 2017 amendment substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" in (a)(9).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(9).

SUBCHAPTER 7 — APPLICATION AND EXAMINATION

SECTION.

27-16-701. Application for license or instruction permit — Restricted permits — Definition.

27-16-702. Application of minor for instruction permit, learner's

SECTION.

license, or intermediate driver's license — Definition.

27-16-704. Examinations of applicants.

27-16-705. Examiners.

27-16-706. Written test — Contents.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-701. Application for license or instruction permit — Restricted permits — Definition.

(a)(1) Every application for an instruction permit or for a commercial or noncommercial driver's license shall be made upon a form furnished by the Office of Driver Services, and every application shall be accompanied by the required fee.

(2) The commercial driver's license or noncommercial driver's license shall include the intermediate driver's license issued to persons who are less than eighteen (18) years of age and the learner's license issued to persons who are less than sixteen (16) years of age.

(b) Every application shall:

(1) State the full name, date of birth, sex, and residence address of the applicant;

(2) Briefly describe the applicant; and

(3) State whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(c)(1) Every application form for an instruction permit, a commercial or noncommercial driver's license, or any renewal of these licenses or permits shall include space for the applicant's Social Security number if he or she has been assigned such a number.

(2) Every applicant shall supply his or her Social Security number on the application form when he or she has been assigned such a number.

(d) Every application for an instruction permit or for a driver's license by a person less than eighteen (18) years of age on October 1 of any year shall be accompanied by:

(1) A check of the applicant's driving record to verify that the applicant for a learner's license or an intermediate driver's license has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months;

(2) An acknowledgment signed by the applicant of a learner's license that the student is aware that all passengers riding in the motor vehicle shall wear seat belts at all times and that the student is restricted to driving only when accompanied by a driver over twenty-one (21) years of age;

(3) An acknowledgment signed by the applicant for an intermediate driver's license that all passengers riding in the motor vehicle shall wear seat belts at all times;

(4) An acknowledgment signed by the applicant for a learner's license or an intermediate driver's license that the applicant is prohibited from using a cellular telephone or other interactive wireless communication device while operating a motor vehicle;

(5)(A) An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways with more than one (1) unrelated minor passenger in the motor vehicle unless the applicant is accompanied by a licensed driver who is twenty-one (21) years of age or older.

(B) As used in this section, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

(i) A sibling of the driver;

(ii) A step-sibling of the driver; or

(iii) A child who resides in the same household as the driver; and

(6) An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the applicant is:

(A) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(B) Driving to or from a school activity, church-related activity, or job; or

(C) Driving because of an emergency.

(e)(1) In cases in which demonstrable financial hardship would result from the failure to issue a learner's permit or driver's license, the Department of Finance and Administration may grant exceptions only to the extent necessary to ameliorate the hardship.

(2) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(f) The department shall have the power to promulgate rules to carry out the intent of this section.

History. Acts 1937, No. 280, § 12; Pope's Dig., § 6836; Acts 1969, No. 302, § 1; A.S.A. 1947, § 75-311; Acts 1987, No. 274, § 1; 1989, No. 8, § 1; 1991, No. 716, § 1; 1991, No. 831, § 1; 1993, No. 445, § 15; 1993, No. 971, § 1; 1994 (2nd Ex. Sess.), No. 30, § 3; 1994 (2nd Ex. Sess.), No. 31, § 3; 1997, No. 400, § 7; 1997, No. 1200, § 1; 2001, No. 1609, § 1; 2001, No. 1694, § 2; 2003, No. 836, § 1; 2009, No. 394, § 4; 2017, No. 806, §§ 1, 2; 2019, No. 315, § 3115; 2019, No. 617, § 1; 2019, No. 910, § 2408.

A.C.R.C. Notes. The repeal of subsection (e) by Acts 2019, No. 617, supersedes the amendment of this section by Acts 2019, No. 910. Acts 2019, No. 910, § 2408, amended subsection (e) to read as follows: "(e) The Division of Elementary and Secondary Education shall develop guidelines for use by school districts to provide a certified exemption from the 'C' average requirement of subdivisions (d)(1)-(3) of this section to a student found to be per-

forming at his or her fullest level of capability although that may be below a 'C' average."

Amendments. The 2017 amendment rewrote (d)(1)(B); and repealed (d)(1)(C).

The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (g) [now (f)].

The 2019 amendment by No. 617 deleted former (d)(1) through (d)(3) and redesignated the remaining subdivisions of (d) accordingly; deleted former (e), (f)(1), and (f)(2); redesignated former (f)(3)(A) and (f)(3)(B) as (e)(1) and (e)(2); redesignated former (g) as (f); and deleted "and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section" following "section" in (f).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (e) [now deleted].

27-16-702. Application of minor for instruction permit, learner's license, or intermediate driver's license — Definition.

(a)(1)(A) The original application of any person under eighteen (18) years of age applying to take the driver's license examination or applying for an instruction permit, a learner's license, an intermediate driver's license, or a motor-driven cycle or motorcycle license, shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if either is living and has custody.

(B) In the event that neither parent is living or has custody, then the application shall be signed by the person or guardian having custody or by an employer of the minor.

(C) In the event that there is no guardian or employer, then the application shall be signed by any other responsible person who is willing to assume the obligations imposed under this subchapter upon a person signing the application of a minor.

(D) For a person under eighteen (18) years of age in the custody of the Department of Human Services, the Director of the Division of Children and Family Services or his or her designee may authorize an employee of the department or any foster parent to sign the application.

(2) For purposes of this section, an oath required under subdivision (a)(1)(A) of this section may be administered within thirty (30) days

before the application is submitted by the applicant, and the oath is not required to be administered at the Office of Driver Services.

(3) Duly authorized agents of the Secretary of the Department of Finance and Administration may administer oaths without charge.

(4) A person authorized to sign the application under subdivision (a)(1) of this section is not required to personally appear at the time the applicant submits the application.

(b)(1) Except as provided under subdivision (b)(2) of this section, any negligence or willful misconduct of a minor under eighteen (18) years of age when driving a motor vehicle upon a highway shall be imputed to the person who signed the application of the minor for a permit or license, regardless of whether the person who signed was authorized to sign under subsection (a) of this section, which person shall be liable with the minor for any damages caused by the negligence or willful misconduct.

(2)(A) For a person under eighteen (18) years of age in the custody of the department, any negligence or willful misconduct of the person when driving a motor vehicle upon a highway shall not be imputed to the authorized employee or authorized foster parent who signed the application of the minor for a permit or license.

(B) The authorized employee or authorized foster parent shall not be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor.

(c)(1) If any person who is required or authorized by subsection (a) of this section to sign the application of a minor in the manner therein provided shall cause, or knowingly cause, or permit his or her child or ward or employee under eighteen (18) years of age to drive a motor vehicle upon any highway, then any negligence or willful misconduct of the minor shall be imputed to this person, and this person shall be liable with the minor for any damages caused by the negligence or willful misconduct.

(2) The provisions of this subsection shall apply regardless of the fact that a learner's license or an intermediate driver's license may or may not have been issued to the minor.

(3) As used in this section, "minor" means any person who has not attained eighteen (18) years of age.

(d) The provisions of this section shall apply in all civil actions, including, but not limited to, both actions on behalf of and actions against the persons required or authorized by subsection (a) of this section to sign the application in the manner therein provided.

History. Acts 1937, No. 280, § 13; Pope's Dig., § 6837; Acts 1961, No. 495, § 1; 1969, No. 302, § 2; A.S.A. 1947, § 75-315; Acts 1987, No. 409, § 1; 1993, No. 445, § 16; 1995, No. 959, §§ 3-5; 2001, No. 1694, § 3; 2007, No. 216, §§ 1-3; 2017, No. 448, § 26; 2019, No. 910, § 4648; 2019, No. 961, § 1.

Amendments. The 2017 amendment,

in (a)(2), substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" and "may" for "shall be authorized to".

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(2) [now (a)(3)].

The 2019 amendment by No. 961 inserted “applying to take the driver’s license examination or applying” in (a)(1)(A); inserted (a)(2), and redesignated

former (a)(2) as (a)(3); deleted “For purposes of this section” from the beginning of (a)(3); added (a)(4); and made stylistic changes.

CASE NOTES

Liability of Parents.

Under the plain language of this section, the negligence of a minor cannot be imputed to the noncustodial parent. *Garrison v. Aquino*, 2017 Ark. App. 338, 523 S.W.3d 905 (2017).

Trial court properly entered summary judgment in favor of a father in a driver’s action alleging that a son’s negligence was imputed to the father because the father had no legal authority to permit his son to drive while he was in the mother’s custody; as the noncustodial parent, the father had no legal or practical authority to “cause, knowingly cause, or permit” the son to drive while the son was in the

mother’s custody. *Garrison v. Aquino*, 2017 Ark. App. 338, 523 S.W.3d 905 (2017).

Driver lacked standing to allege a violation of the father’s due-process right to parent his child because the driver was not a member of the class of persons regulated by this section; the father’s inability to permit or prohibit his son’s driving arose directly from the divorce decree, not this section. This section addresses only the imputed liability of a parent, it does not expand or narrow a parent’s legal authority to allow his or her child to drive. *Garrison v. Aquino*, 2017 Ark. App. 338, 523 S.W.3d 905 (2017).

27-16-704. Examinations of applicants.

(a) Every applicant for a driver’s license, except as otherwise provided in this chapter, shall be examined in accordance with the provisions of this section.

(b)(1) The examination shall be held within not more than thirty (30) days from the date that application is made.

(2) The examination shall include a test of the applicant’s eyesight, ability to read and understand the highway traffic laws of this state, an actual demonstration of the applicant’s ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and any further physical and mental examination deemed necessary by the Office of Driver Services to operate a motor vehicle safely upon the highways.

(3) The test of the applicant’s eyesight shall examine his or her visual acuity to read road signs and identify objects at a distance.

(4) The applicant shall have a minimum uncorrected visual acuity of 20/40 for an unrestricted license and a minimum corrected visual acuity of 20/70 for a restricted license. The applicant’s field of vision shall be at least one hundred forty degrees (140°) for a person with two (2) functional eyes and at least one hundred five degrees (105°) for a person with one (1) functional eye.

(5) Applicants who fail the eyesight test shall be instructed that they should have their eyes examined by an eye care professional and secure corrective lenses, if necessary.

(6) The test of the applicant’s eyesight shall be made on an optical testing instrument approved under standards established by the Secretary of the Department of Finance and Administration and the Division of Arkansas State Police.

(7) In addition, the applicant for a learner's license and an intermediate driver's license shall have the student's driving record checked to verify that the student has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months.

(c)(1) No applicant for an original license, that is, an applicant who has never been licensed previously by any jurisdiction, shall be permitted to demonstrate ability to operate a motor vehicle as required under the provisions of this chapter unless and until the applicant has in his or her possession a valid instruction permit properly issued not less than thirty (30) days prior to the date of application, unless otherwise determined by the office.

(2) The instruction permit required under this subchapter shall be issued in accordance with the provisions of this chapter.

History. Acts 1937, No. 280, § 16; Pope's Dig., § 6840; Acts 1969, No. 141, § 1; 1977, No. 863, § 1; A.S.A. 1947, § 75-318; Acts 1989, No. 193, § 2; 1993, No. 445, § 17; 2001, No. 1694, § 4; 2003, No. 217, § 1; 2015, No. 696, § 2; 2019, No. 910, § 4649.

Amendments. The 2019 amendment, in (b)(6), substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" and "Division of Arkansas State Police" for "Department of Arkansas State Police".

27-16-705. Examiners.

(a) An examination as provided for in this subchapter shall be conducted by the Division of Arkansas State Police or by the duly authorized agents of the Secretary of the Department of Finance and Administration.

(b) No examination shall be conducted by local law enforcement officers or local citizens.

(c) The division may promulgate any necessary rules to implement, administer, and enforce this subchapter concerning examinations.

History. Acts 1937, No. 280, § 17; Pope's Dig., § 6841; Acts 1943, No. 128, § 1; A.S.A. 1947, § 75-319; Acts 2011, No. 1022, § 1; 2019, No. 910, § 4650.

Amendments. The 2019 amendment, in (a), substituted "Division of Arkansas

State Police" for "Department of Arkansas State Police" and "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-16-706. Written test — Contents.

The driver's license test shall include written questions concerning:

(1) The effects of the consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) The legal and financial consequences resulting from violations of the state's laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;

- (3) Accessible parking for a person with a disability;
- (4) Penalties for the unauthorized use of parking designated for the exclusive use of a person with a disability; and
- (5) Traffic stop safety guidelines for drivers and passengers developed by the Division of Arkansas State Police.

History. Acts 1995, No. 711, § 1; 1995, No. 1105, § 1; 2007, No. 753, § 5; 2017, No. 490, § 2.

A.C.R.C. Notes. Acts 2017, No. 490, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Every traffic stop, even for the most common traffic violation, may potentially be dangerous for the driver, passenger, or law enforcement officer;

"(2) While law enforcement officers are thoroughly trained in traffic stop safety, drivers and passengers are often not; and

"(3) It is necessary to establish standard traffic stop safety guidelines for driv-

ers and passengers to help ensure the safety of drivers and passengers."

Acts 2017, No. 490, § 4, provided: "The traffic stop safety guidelines for drivers and passengers developed by the Department of Arkansas State Police are not required to be included in the driver's instruction manual and driver's license written test until the next time the department revises the driver's instruction manual and driver's license written test."

Amendments. The 2017 amendment added (5).

SUBCHAPTER 8 — ISSUANCE OF LICENSES AND PERMITS

SECTION.

- 27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys — Definitions.
- 27-16-802. Instruction permits.
- 27-16-804. Restricted licenses, learner's licenses, and intermediate licenses — Definitions.
- 27-16-805. Identification purposes only.
- 27-16-806. Duplicates or substitutes.
- 27-16-808. Reinstatement charge — Definitions.

SECTION.

- 27-16-811. Exception to disclosing residence address — Address confidentiality program — Definitions.
- 27-16-812. Veteran designation.
- 27-16-815. Communication impediment designation and decal.
- 27-16-816. Probationer and parolee restricted permits.

Preambles. Acts 2015, No. 1199, contained a preamble which read:

"WHEREAS, injuries caused by motor vehicle accidents are the leading cause of death for children and adolescents in the United States and in Arkansas. Motor vehicle crashes rank first for injury-related deaths and disability, particularly for teenagers between fourteen (14) and nineteen (19) years of age, accounting for one-third (1/3) of teen deaths; and

"WHEREAS, the risk of motor vehicle accidents is highest when adolescents are learning to drive and within the first year after licensing. Adolescents represent the highest risk age group on the roads. Driv-

ers sixteen (16) years of age are four (4) times more likely to be involved in a motor vehicle accident than drivers between the ages of twenty (20) and twenty-four (24); and

"WHEREAS, Arkansas has historically had much higher rates of teen driving crashes and fatalities than other states. As recently as 2008, Arkansas teens were dying at two (2) times the national average; and

"WHEREAS, motor vehicle death rates recently have decreased nationally and more dramatically in Arkansas, with a reduction of more than fifty percent (50%) in the past six (6) years; and

“WHEREAS, recent research has led to an improved understanding of the factors that make learning to drive and novice driving safer, including a three phase approach: the learner stage with supervised driving, the intermediate stage permitting solo driving with restrictions on high-risk situations, followed by granting a full license without driving restrictions; and

“WHEREAS, new research that focuses on supervised driver experience during the learner’s period demonstrates the importance of having a licensed driver as a coach during the first twelve (12) months of driving experience while learning to negotiate the many demands of driving safely, reducing the likelihood of deaths and insurance claims for drivers sixteen (16) years of age by as much as twenty-six percent (26%); and

“WHEREAS, statistical research offered by the Arkansas Center for Health Improvement, in coordination with the Injury Prevention Center at Arkansas Children’s Hospital, demonstrates that parental involvement, teen driver education, and enforcement of the principles of the graduated drivers licenses contained in Arkansas Code § 27-16-701, et seq., and Arkansas Code § 27-16-801, et seq., have reduced the loss of life and injuries to teen drivers; and

“WHEREAS, a demonstrated need exists for more parental education about the mechanics and procedures contained in the graduated drivers license laws to help Arkansas families procure drivers licenses for their teenagers; and

“WHEREAS, in rural Arkansas limited opportunities exist for teens to apply, take the written driving test, and take the drivers’ skills test necessary to procure a drivers license; and

“WHEREAS, it is in the best interest of Arkansas’s families to streamline the process to reduce time away from work for parents; and

“WHEREAS the Department of Arkansas State Police is the lead governmental agency in testing for drivers licenses and providing information about obtaining drivers licenses; and

“WHEREAS, the Department of Arkansas State Police is promulgating rules and conducting training to make drivers license testing consistent across the state; and

“WHEREAS, the Department of Arkansas State Police is taking steps to proliferate vital information about drivers education and licensing procedures; and

“WHEREAS, the Department of Finance and Administration dispenses the drivers’ licenses after all prerequisites have been complied with by prospective teen drivers and their families through the Department of Arkansas State Police, NOW THEREFORE, ...”

Effective Dates. Acts 2015, No. 343, § 5: Jan. 1, 2016.

Acts 2015, No. 856, § 10: Mar. 31, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that certain driver license fees are needed to provide vital services to the Department of Arkansas State Police; that this act will allow the use of those fees; and that this act is immediately necessary to provide a source of revenues to the department. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2015, No. 895, § 48(b): Jan. 1, 2016. Effective date clause provided: “Sections 46 and 47 of this act are effective on and after January 1, 2016.”

Acts 2015, No. 1193, § 3: Jan. 1, 2016, until June 30, 2016.

Acts 2017, No. 366, § 2: Nov. 13, 2017.

Acts 2017, No. 460, § 4: Nov. 13, 2017.

Acts 2017, No. 915, § 3: Sept. 1, 2017, until Jan. 15, 2019.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secre-

taries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys — Definitions.

(a)(1)(A) In a manner prescribed by the Secretary of the Department of Finance and Administration, the Office of Driver Services shall issue:

(i) Except as provided in subdivision (a)(1)(B) of this section, a Class D license or a Class M license to each qualified applicant eighteen (18) or more years of age, for a period of eight (8) years, upon payment of twenty-four dollars (\$24.00);

(ii) An intermediate Class D license or an intermediate Class M license to each applicant between sixteen (16) and eighteen (18) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00);

(iii) A learner's Class D license to each applicant between fourteen (14) and sixteen (16) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00); and

(iv) A Class MD license to each qualified applicant, for a period of not more than two (2) years, upon payment of two dollars (\$2.00).

(B) A Class D license or a Class M license shall be issued for a period to be elected by the applicant of either four (4) years upon payment of twelve dollars (\$12.00) or eight (8) years upon payment of twenty-four dollars (\$24.00) to a qualified applicant who:

(i) Is seventy (70) or more years of age; and

(ii) Has an expired Class D license or Class M license.

(2)(A) Each applicant for a Class D license, Class M license, or Class MD license under § 27-16-704, § 27-16-807, or § 27-20-108 shall pay an examination fee of five dollars (\$5.00) for each written examination taken.

(B) The examination fee shall be remitted in a manner prescribed by the Secretary of the Department of Finance and Administration.

(3) Each license shall include:

(A) A distinguishing number assigned to the licensee;

(B)(i) Except as provided under subdivisions (a)(3)(B)(ii) and (iii) of this section, the name, residence address, date of birth, and a brief description of the licensee.

(ii) The following exceptions to providing a residence address and instead providing a post office box address shall be allowed at the option of the licensee:

(a) If the licensee is a law enforcement officer; or

(b) If the licensee is a victim of domestic violence or the dependent of a victim of domestic violence as provided under § 27-16-811.

(iii) If the licensee is an elected prosecuting attorney, a duly appointed deputy prosecuting attorney, or a public defender, he or she may use a post office box address or his or her office address instead of his or her residence address; and

(C) A space upon which the licensee may affix his or her signature.

(4) The licensee shall affix his or her signature in ink in the space provided, and no license shall be valid until it shall have been so signed by the licensee.

(5) At the time of initial issuance or at the time of renewal of a license, the distinguishing number assigned to the licensee for his or her license shall be a nine-digit number assigned to the specific licensee by the secretary.

(6)(A) The office may offer an applicant with a valid Arkansas driver's license an additional option to view a digital copy of his or her driver's license on a mobile device or personal computer upon payment of ten dollars (\$10.00).

(B) The digital copy of the driver's license shall be available for view at any time until the expiration of the driver's license issued under subdivision (a)(1) of this section.

(b)(1)(A) All licenses, as described in subsection (a) of this section, shall include a color photograph of the licensee, and the photograph shall be made a part of the license at the time of application.

(B)(i) If the licensee is under eighteen (18) years of age at the time the license is issued, the license shall state that the licensee was under eighteen (18) years of age at the time of issuance.

(ii) If the licensee is at least eighteen (18) years of age but under twenty-one (21) years of age at the time the license is issued, the license shall state that the licensee was under twenty-one (21) years of age at the time the license was issued.

(2)(A) A license is valid without a photograph of the licensee when the secretary is advised that the requirement of the photograph is either objectionable on the grounds of the licensee's sincerely held religious belief that prohibits an individual from having his or her photograph taken or the licensee is unavailable to have the photograph made.

(B) A license shall be issued without a photograph based on a licensee's sincerely held religious belief as authorized under subdivision (b)(2)(A) of this section if the:

(i) Licensee is fifteen (15) years of age or older; and

(ii) Licensee or his or her parent or guardian provides a completed Internal Revenue Service Form 4029 or signs an affidavit attesting to his or her sincerely held religious belief that prohibits an individual having his or her photograph taken.

(C)(i) A license issued under subdivision (b)(2)(B) of this section is not valid for:

(a) Federal identification purposes; or

(b) Voter identification purposes.

(ii) The license issued under subdivision (b)(2)(B) of this section shall clearly display on its face the phrase "Not valid for federal identification purposes or voter identification purposes".

(3)(A) If a licensee has an illness that causes hair loss or is undergoing treatment for an illness that causes hair loss, the office shall give the licensee the option to use the photograph from the most recent driver's license on file with the office instead of having a new photograph taken if the licensee establishes that his or her hair loss is related to that illness or treatment.

(B) To establish the relationship between the licensee's illness or treatment and the resulting hair loss, the licensee shall provide a statement from his or her treating physician.

(C) This option can only be provided for one (1) renewal of the license to prevent obsolete photographs from being used.

(c)(1) In addition to the license fee prescribed by subsection (a) of this section, the office shall collect a penalty equal to fifty percent (50%) of the amount thereof from each driver, otherwise qualified, who shall operate a motor vehicle over the highways of this state without a valid license.

(2) The penalty shall be in addition to any other penalty that may be prescribed by law.

(d)(1) Except as provided in subdivision (d)(2) of this section, all license fees collected under subsection (a) of this section shall be cash funds restricted in their use and shall be deposited into a bank selected by the Division of Arkansas State Police to the credit of the Division of Arkansas State Police Financing Fund.

(2) The fees collected under subdivision (a)(6)(A) of this section shall be deposited into the State Treasury to the credit of the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to defray the cost of administering a digital copy of a driver's license under subdivision (a)(6) of this section.

(e)(1) The office shall not charge an additional fee for the color photograph provided for in subsection (b) of this section for those applicants making a renewal application for the first time.

(2) In addition to the regular license fee, a fee of two dollars (\$2.00) shall be charged for all subsequent renewals.

(3) All persons applying for an Arkansas license for the first time and all persons who are required to take the driver's written examination as provided for in this chapter shall be charged the additional fee of one dollar (\$1.00).

(4)(A) A person required to have his or her eyesight tested before initial licensing or upon subsequent license renewal as provided for in this chapter shall be charged an additional fee for a license validity period of either:

- (i) Four (4) years, in the amount of one dollar (\$1.00); or
- (ii) Eight (8) years, in the amount of two dollars (\$2.00).

(B) An eyesight test for an applicant's subsequent license renewal shall be required every:

(i) Eight (8) years if an applicant elects a license validity period of four (4) years; or

(ii) Sixteen (16) years if a person elects a license validity period of eight (8) years.

(5) Each learner's license and intermediate driver's license issued shall be distinctive from the regular driver's license issued to a person eighteen (18) years of age or older.

(f) Moneys collected from the penalty fee provided in subsection (c) of this section and the fees provided in subsection (e) of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the driver license program which shall be payable therefrom.

(g)(1) In addition to the license fees imposed in subsections (a) and (e) of this section, a fee shall be charged for the issuance or renewal of a Class D, Class M, or Class MD license for a period of either:

(A) Four (4) years, in the amount of six dollars (\$6.00); or

(B) Eight (8) years, in the amount of twelve dollars (\$12.00).

(2) The fees collected under this subsection shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Division of Arkansas State Police Fund, to be used for the payment of health insurance premiums for uniformed employees of the Division of Arkansas State Police.

(h)(1) As used in this subsection:

(A) "Custody" means:

(i) Being an inmate of the Division of Correction and housed in a facility operated by the Division of Correction; or

(ii) Being an inmate of the Division of Community Correction and housed in a detention facility; and

(B) "Eligible person" means a person who:

(i) Is within one hundred eighty (180) days of release from custody; or

(ii) Has been released from custody within the previous six (6) months.

(2)(A) The office shall issue an identification card to an eligible person who has previously been issued an:

(i) Arkansas identification card; or

(ii) Arkansas driver's license and the driving privileges of the eligible person are suspended or revoked.

(B) The office shall issue a driver's license to an eligible person who has previously been issued an Arkansas driver's license if the driving privileges of the eligible person are:

(i) Not suspended or revoked; or

(ii) Suspended or revoked solely as a result of an outstanding driver's license reinstatement fee imposed under the laws of this state.

(3) The Division of Correction and the Division of Community Correction shall identify eligible persons to apply for a replacement or renewal driver's license or identification card.

(4) Any fees for a replacement identification card under § 27-16-805 shall be waived for an eligible person.

(5) If the office issues a driver's license to an eligible person under subdivision (h)(2)(B)(ii) of this section, the office shall waive the reinstatement fee.

History. Acts 1937, No. 280, §§ 18, 21; Pope's Dig., § 6842; Acts 1939, No. 72, § 1; 1941, No. 370, § 1; 1947, No. 393, § 1; 1957, No. 24, § 1; 1965, No. 493, § 1; 1967, No. 338, § 1; 1969, No. 276, § 1; 1977, No. 311, § 1; A.S.A. 1947, §§ 75-320, 75-325; Acts 1987, No. 274, § 2; 1989, No. 8, § 2; 1989, No. 193, § 3; 1989, No. 241, § 25; 1991, No. 782, §§ 1, 2; 1993, No. 445, §§ 18, 19; 1993, No. 1168, § 1; 1997, No. 495, § 1; 1999, No. 1004, § 1; 2001, No. 1500, § 1; 2001, No. 1694, § 5; 2003, No. 836, § 2; 2005, No. 1233, § 2; 2007, No. 839, § 9; 2009, No. 483, § 2; 2009, No. 1486, § 1; 2015, No. 343, §§ 1-3; 2015, No. 397, § 1; 2015, No. 856, §§ 8, 9; 2015, No. 895, § 46; 2015, No. 1289, § 1; 2017, No. 448, §§ 27-29; 2017, No. 460, §§ 1-3; 2017, No. 557, §§ 2, 3; 2017, No. 976, § 1; 2017, No. 1012, § 1; 2019, No. 69, § 1; 2019, No. 910, §§ 4651-4657; 2019, No. 1031, § 1; 2021, No. 257, §§ 1, 2.

A.C.R.C. Notes. Acts 2015, No. 895, § 1, provided: "Legislative intent. It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in fighting crime and keeping the peace, and to enhance public safety."

Amendments. The 2017 amendment by No. 448 substituted "Director of the Department of Finance and Administration" for "Commissioner of Motor Vehicles" in the introductory language of (a)(1); and substituted "director" for "commissioner" in (a)(2)(B), (a)(5), and (b)(2).

The 2017 amendment by No. 460 redesignated former (a)(1) as (a)(1)(A); added "Except as provided in subdivision (a)(1)(B) of this section" in (a)(1)(A)(i); added (a)(1)(B); and rewrote (e)(4) and (g)(1).

The 2017 amendment by No. 557 added (a)(6); redesignated former (d) as (d)(1); added "Except as provided in subdivision (d)(2) of this section" in (d)(1); and added (d)(2).

The 2017 amendment by No. 976 inserted "or a public defender" in (a)(3)(B)(iii).

The 2017 amendment by No. 1012 redesignated (h)(1) as the introductory language of (h)(1) and (h)(1)(B); added (h)(1)(A); and substituted "one hundred eighty (180) days" for "one hundred twenty (120) days" in (h)(1)(B).

The 2019 amendment by No. 69, rewrote (h)(1)(B); and substituted "person" for "inmate" throughout (h)(2) through (h)(5).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1)(A); substituted "secretary" for "director" in (a)(5); substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" twice in (d)(1) and twice in (g)(2); and, throughout (h), substituted "Division of Correction" for "Department of Correction" and "Division of Community Correction" for "Department of Community Correction".

The 2019 amendment by No. 1031 rewrote (e)(4).

The 2021 amendment substituted "Secretary of the Department of Finance and Administration" for "commissioner" in (a)(2)(B); added (b)(2)(B) and redesignated existing (b)(2) as (b)(2)(A); and, in (b)(2)(A), substituted "A license is" for "A license may be", substituted "secretary" for "commissioner", and inserted "the licensee's sincerely held" and "that prohibits an individual from having his or her photograph taken".

Effective Dates. Acts 2015, No. 343, § 5; Jan. 1, 2016.

Acts 2015, No. 895, § 48(b): Jan. 1, 2016. Effective date clause provided: "Sections 46 and 47 of this act are effective on and after January 1, 2016."

Acts 2017, No. 460, § 4: Nov. 13, 2017.

27-16-802. Instruction permits.

(a)(1) Any person who is at least fourteen (14) years of age may apply to the Division of Arkansas State Police for an instruction permit.

(2)(A) After the applicant has successfully passed the written examination, the division may issue to the applicant an instruction permit which entitles the applicant while having the permit in his or her immediate possession to drive a motor vehicle upon the public highways for a period of twenty-four (24) months when accompanied by a licensed driver who is at least twenty-one (21) years of age and who is occupying a seat beside the driver, except in the event that the permittee is operating a motorcycle.

(B) Six (6) months after an instruction permit is issued under subdivision (a)(2)(A) of this section, a driver who is at least sixteen (16) years of age and has passed the driving test is no longer subject to the driving restrictions under subdivision (a)(2)(A) of this section.

(C) A passing score on the written examination required under subdivision (a)(2)(A) of this section shall be valid for a period of twenty-four (24) months.

(3) Any passengers riding in the motor vehicle while a permittee is driving shall wear seat belts at all times.

(b)(1) The division, upon receiving proper application, in its discretion, may issue a restricted instruction permit effective for a school year or a more restricted permit to an applicant who is enrolled in a driver education program that includes practice driving and that is approved by the division even though the applicant has not reached the legal age to be eligible for a noncommercial license.

(2) The instruction permit shall entitle the permittee when he or she has the permit in his or her immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

History. Acts 1937, No. 280, § 11; Pope's Dig., § 6835; Acts 1959, No. 307, § 14; A.S.A. 1947, § 75-310; Acts 1993, No. 445, § 20; 1997, No. 478, § 1; 1999, No. 25, § 2; 2001, No. 1694, § 6; 2015, No. 1049, § 1; 2015, No. 1199, §§ 4, 5; 2019, No. 617, § 2; 2021, No. 908, § 1.

A.C.R.C. Notes. Acts 2015, No. 1199, § 1, provided: "Title. This act shall be known and may be cited as the 'Arkansas Teen Driver and Parental Education Act of 2015'."

Acts 2015, No. 1199, § 2, provided: "Du-

ties of Department of Arkansas State Police. The Department of Arkansas State Police shall:

"(1) Improve its official website in coordination with the Injury Prevention Center at Arkansas Children's Hospital to:

"(A) Become the repository of information regarding the mechanics and procedures for obtaining graduated drivers licenses; and

"(B) Include without limitation:

"(i) A parental checklist of steps needed to obtain a graduated drivers license;

"(ii) Specific information about documents needed to make application for a graduated drivers license; and

"(iii) Specific information regarding the times for the written driving tests and the driving skills tests in each county of the state;

"(2) In coordination with the Injury Prevention Center at Arkansas Children's Hospital, distribute information electronically, virtually, and through literature about the graduated drivers license application and procedures to:

"(A) Secondary schools throughout the state; and

"(B) Parents of prospective drivers;

"(3) Update the drivers manual in coordination with the Injury Prevention Center at Arkansas Children's Hospital; and

"(4)(A) File a report with the cochairs of the Legislative Council and the Director of the Bureau of Legislative Research within

one hundred eighty (180) days of the effective date of this act.

"(B) The report shall include:

"(i) A detailed description of all steps taken to comply with this section; and

"(ii) Recommendations to improve drivers licensing practices and procedures, driver education, and driver safety in this state."

Amendments. The 2019 amendment substituted "the written examination" for "all parts of the examination other than the driving test" in (a)(2)(A); deleted "all parts of the written examination and" following "passed" in (a)(2)(B); and added (a)(2)(C).

The 2021 amendment, in (a)(2)(A), deleted "in its discretion" following "division may", substituted "entitles" for "shall entitle", and "twenty-four (24) months" for "twelve (12) months".

27-16-804. Restricted licenses, learner's licenses, and intermediate licenses — Definitions.

(a) The Office of Driver Services, upon issuing any driver's license, shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the office may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b)(1) The office may either issue a special restricted license or may set forth restrictions upon the usual license form.

(2)(A)(i) Upon the showing of need, the office may waive any age restriction set forth in this chapter.

(ii) However, every driver under eighteen (18) years of age is at a minimum subject to the restrictions set out in subdivision (b)(2)(B) of this section.

(B)(i) A license shall be issued only to an applicant with a valid instruction permit or learner's license who:

(a) Is at least fourteen (14) years of age; and

(b) Has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months.

(ii) A driver shall operate the motor vehicle on the public streets and highways only when each passenger in the vehicle wears his or her seat belts.

(iii) The driver shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose. As used in this subdivision (b)(2)(B)(iii), "emergency purpose" means the driver:

(a) Has reason to fear for his or her life, safety, or property;

(b) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or

(c) Is reporting:

(1) A fire;

(2) A traffic accident;

(3) A serious road hazard;

(4) A medical emergency;

(5) A hazardous materials emergency;

(6) Another driver who is recklessly, carelessly, or unsafely driving;

or

(7) Another driver who appears to be driving under the influence of drugs or alcohol.

(iv) A driver shall not operate a motor vehicle on public streets or highways with any unrelated minor passengers in the motor vehicle unless the driver is accompanied by a licensed driver who is twenty-one (21) years of age or older and who is occupying the front passenger seat of the motor vehicle. As used in this subsection, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

(a) A sibling of the driver;

(b) A step-sibling of the driver; or

(c) A child who resides in the same household as the driver.

(v) The driver shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the driver is:

(a) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(b) Driving to or from a school activity, church-related activity, or job; or

(c) Driving due to an emergency.

(C) The waiver of the age restrictions for need is subject to review upon a complaint from certain officials under subsection (d) of this section.

(c) All licensees who have a tested uncorrected visual acuity of less than 20/40 shall be restricted to the operation of a motor vehicle, motorcycle, or motor-driven cycle only while they are wearing corrective lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or a motor-driven cycle if he or she has a tested corrected visual acuity of less than 20/70 or if he or she has a field of vision less than one hundred forty degrees (140°) with two (2) functioning eyes or less than one hundred five degrees (105°) with one (1) functioning eye.

(d)(1) The office may, upon receiving satisfactory evidence of any violation of the restrictions of a license, suspend or revoke the license, but the licensees shall be entitled to a hearing as upon a suspension or revocation under this chapter.

(2)(A) Upon receiving a complaint from a prosecuting attorney, a city attorney, or a certified law enforcement officer, the office shall review

the validity of any waiver of age restrictions based on need and any violations of restrictions placed on a license.

(B) The licensee is entitled to a hearing, which the complaining official may attend, to review the need of the waiver or any violations of the restrictions of the license.

(C) The office shall suspend or revoke the waiver if there is evidence that the need for the waiver has changed or is no longer valid or that the licensee violated any of the restrictions of the license.

(e) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

(f)(1) The office shall have authority to issue a restricted driver's license, to be known as a "learner's license", to those persons under sixteen (16) years of age.

(2) The learner's license shall be issued only to an applicant with a valid instruction permit who is at least fourteen (14) years of age, who has remained free of a serious accident and conviction of a serious traffic violation in the previous six (6) months, and who meets all other licensing examinations requirements of this chapter.

(3) The driver with a learner's license shall operate the motor vehicle on the public streets and highways only when:

(A) All passengers in the vehicle are wearing their seat belts at all times; and

(B) The driver with a learner's license is being accompanied by a driver over twenty-one (21) years of age.

(4)(A) A driver with a learner's license shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose.

(B) As used in this subdivision (f)(4), "emergency purpose" means the driver:

(i) Has reason to fear for his or her life, safety, or property;

(ii) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or

(iii) Is reporting:

(a) A fire;

(b) A traffic accident;

(c) A serious road hazard;

(d) A medical emergency;

(e) A hazardous materials emergency;

(f) Another driver who is recklessly, carelessly, or unsafely driving;

or

(g) Another driver who appears to be driving under the influence of drugs or alcohol.

(C) This subdivision (f)(4) is not retroactive and applies only to a person who:

(i) Applies for a learner's license after July 1, 2002; and

(ii) Is issued a learner's license after July 1, 2002.

(g)(1)(A) The office shall have authority to issue to those persons under eighteen (18) years of age a restricted driver's license to be known as an "intermediate driver's license".

(B) The intermediate driver's license shall be issued only to an applicant with a valid instruction permit or a learner's license who is at least sixteen (16) years of age, who has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months, and who meets all other licensing examination requirements of this chapter.

(C) The driver with an intermediate driver's license shall operate the motor vehicle on the public streets and highways only when all passengers in the vehicle are wearing their seat belts.

(D)(i) A driver with an intermediate driver's license shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose.

(ii) As used in this subdivision (g)(1)(D), "emergency purpose" means the driver:

- (a) Has reason to fear for his or her life, safety, or property;
 - (b) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or
 - (c) Is reporting:
 - (1) A fire;
 - (2) A traffic accident;
 - (3) A serious road hazard;
 - (4) A medical emergency;
 - (5) A hazardous materials emergency;
 - (6) Another driver who is recklessly, carelessly, or unsafely driving;
- or
- (7) Another driver who appears to be driving under the influence of drugs or alcohol.

(E)(i) A driver with an intermediate driver's license shall not operate a motor vehicle on public streets or highways with more than one (1) unrelated minor passenger in the motor vehicle unless the driver is accompanied by a licensed driver who is twenty-one (21) years of age or older and who is occupying the front passenger seat of the motor vehicle.

(ii) As used in this section, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

- (a) A sibling of the driver;
- (b) A step-sibling of the driver; or
- (c) A child who resides in the same household as the driver.

(F) A driver with an intermediate driver's license shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the driver is:

- (i) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(ii) Driving to or from a school activity, church-related activity, or job; or

(iii) Driving because of an emergency.

(2) Subdivisions (g)(1)(D)-(F) of this section are not retroactive and apply only to a person who:

(A) Applies for an intermediate license after July 1, 2002; and

(B) Is issued an intermediate license after July 1, 2002.

History. Acts 1937, No. 280, § 20; 445, § 22; 1997, No. 478, § 2; 2001, No. Pope's Dig., § 6844; Acts 1969, No. 350, 1694, § 7; 2003, No. 268, §§ 1, 2; 2009, § 1; 1977, No. 863, § 2; A.S.A. 1947, § 75- No. 308, §§ 1, 4; 2009, No. 394, §§ 1-3; 324; Acts 1989, No. 193, § 4; 1993, No. 2009, No. 807, § 1; 2015, No. 696, § 3.

27-16-805. Identification purposes only.

(a)(1) The Office of Driver Services may issue an identification card to Arkansas residents five (5) years of age or older who are not licensed drivers.

(2) The fee for the identification card is five dollars (\$5.00).

(b)(1)(A) For persons under sixty (60) years of age, the identification card is valid for either four (4) years or two (2) years, depending on the person's age, and is renewable upon expiration.

(B) For persons fourteen (14) years of age or older, the identification card is valid for four (4) years from the date of issue.

(C)(i) For persons five (5) years of age to thirteen (13) years of age, the identification card is valid for two (2) years from the date of issue, and a parent, legal guardian, grandparent, or sibling over eighteen (18) years of age must accompany the applicant to the issuing location and sign the electronic application.

(ii)(a) For persons issued an identification card under this subdivision (b)(1)(C), up to three (3) identification cards may be issued at the request of a parent, legal guardian, grandparent, or sibling eighteen (18) years of age or older.

(b) The request for more than one (1) identification card shall be made on the date the initial identification card is issued.

(c) The fee for each identification card is five dollars (\$5.00).

(2) Persons who are sixty (60) years of age or older who qualify for the identification card shall be issued the identification card to be valid for the life of the holder.

(c) Except as provided in subsection (e) of this section, each identification card shall contain:

(1) A color photograph of the applicant;

(2) A physical description of the applicant;

(3) The birthdate of the applicant;

(4) The address of the applicant;

(5) The date of issue; and

(6) The expiration date.

(d)(1) A person who applies for a card is required to show proof of identity.

(2) Refusal of an applicant to show proof of identity shall result in denial of the application.

(e)(1) An identification card shall be issued and is valid without a photograph based on an applicant's sincerely held religious belief if the:

(A) Applicant is fifteen (15) years of age or older; and

(B) Applicant or his or her parent or guardian provides a completed Internal Revenue Service Form 4029 or signs an affidavit attesting to his or her sincerely held religious belief that prohibits an individual having his or her photograph taken.

(2)(A) An identification card issued under subdivision (e)(1) of this section is not valid for:

(i) Federal identification purposes; or

(ii) Voter identification purposes.

(B) The identification card issued under subdivision (e)(1) of this section shall clearly display on its face the phrase "Not valid for federal identification purposes or voter identification purposes".

History. Acts 1937, No. 280, § 21; 1977, No. 311, § 2; 1985, No. 1039, § 1; A.S.A. 1947, § 75-325; Acts 1989, No. 385, § 1; 2003, No. 211, § 1; 2011, No. 193, § 1; 2013, No. 986, § 1; 2021, No. 257, § 3.

Amendments. The 2021 amendment inserted "identification" preceding "card"

or "cards" in (a)(2) and throughout (b); added "Except as provided in subsection (e) of this section, each identification" in the introductory language of (c); added "of the applicant" in (c)(2)-(4); inserted "of identity" in (d)(2); added (e); and made stylistic changes.

27-16-806. Duplicates or substitutes.

(a) In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom it was issued may obtain a duplicate or substitute upon payment of five dollars (\$5.00) and upon furnishing proof satisfactory to the Office of Driver Services that the permit or license has been lost or destroyed.

(b) Moneys collected under the provisions of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the color photograph driver license program, which shall be payable therefrom.

(c) In addition to the fee imposed in subsection (a) of this section, an additional fee of five dollars (\$5.00) shall be collected and deposited into the State Treasury as special revenues to the credit of the Division of Arkansas State Police Fund.

(d) When a duplicate driver's license is issued at the end of a period of license suspension pursuant to § 27-16-911, the fees imposed in subsections (a) and (c) of this section shall be collected and deposited in accordance with this section.

History. Acts 1937, No. 280, § 21; 385, § 2; 1993, No. 445, § 23; 2003, No. Pope's Dig., § 6845; Acts 1977, No. 311, 1001, § 2; 2015, No. 176, § 1. § 2; A.S.A. 1947, § 75-325; Acts 1989, No.

27-16-808. Reinstatement charge — Definitions.

(a) The Office of Driver Services shall charge a fee to be calculated as provided under subsection (c) of this section for reinstating a driver's license suspended because of a conviction for any violation or offense.

(b) All proceeds remitted to the office under this section shall be deposited as follows:

(1) Twenty-five percent (25%) to the State Police Retirement Fund; and

(2) Seventy-five percent (75%) to the State Treasury as special revenues to the credit of the Division of Arkansas State Police Fund.

(c)(1) The reinstatement fee under this section shall be calculated by multiplying one hundred dollars (\$100) by each separate occurrence of offenses under any other provision of the law resulting in:

(A) A court order directing the office to suspend the driving privileges of the person; or

(B) The office's entering a suspension order.

(2)(A) If a person's driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state, the office shall permit the person to pay only one (1) reinstatement fee of one hundred dollars (\$100) to cover all administrative orders to suspend, revoke, or cancel a driver's license for a person ordered to pay a reinstatement fee under § 27-16-508(a)(1) or subdivision (c)(1) of this section if a district court or circuit court verifies to the office that the person has:

(i) Paid all other court costs, fines, and fees associated with the criminal offense that led to his or her driver's license suspension;

(ii) Graduated from a specialty court program; and

(iii) Provided the sentencing court with a reinstatement letter from the Department of Finance and Administration showing all outstanding suspension or revocation orders.

(B) Subdivision (c)(2)(A) of this section does not apply to:

(i) A reinstatement fee ordered under this section, § 5-65-119, § 5-65-304, or § 5-65-310; or

(ii) A fee ordered to reinstate commercial driving privileges.

(3) A person may not avail himself or herself of the provisions of subdivision (c)(2) of this section more than one (1) time.

(4) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section shall be set off against a taxpayer's state income tax refund.

(5) A court may only verify the completion of the requirements under subdivision (c)(2)(A) of this section to the office for a suspension or revocation that occurred as a result of a conviction or other action taken in that particular court or jurisdiction.

(d) As used in this section:

(1) "Occurrence" means each separate calendar date when an offense or offenses take place; and

(2) "Specialty court program" means a specialty court program as authorized by the Supreme Court under § 16-10-139.

History. Acts 1995, No. 730, § 1; 2003, No. 1001, § 3; 2005, No. 1992, § 3; 2015, No. 1193, § 3; 2017, No. 915, § 3; 2019, No. 803, § 5; 2019, No. 910, § 6039; 2019, No. 992, § 2.

A.C.R.C. Notes. Acts 2015, No. 1193, § 4, provided: "Report required."

"(a) The Department of Finance and Administration shall prepare a report concerning this act that includes the following information:

"(1) The number of eligible participants;

"(2) The number of participants who were reinstated under this act; and

"(3) The dollar amount paid and the dollar amount written off during the time the act is effective.

"(b) The department shall submit the report under subsection (a) of this section to the Legislative Council and the Director of the Department of Arkansas State Police by October 1, 2016."

Acts 2017, No. 915, § 4, provided: "Report required."

"(a) The Department of Finance and Administration shall prepare an annual report concerning this act that includes the following information:

"(1) The number of eligible participants;

"(2) The number of participants who were reinstated under this act; and

"(3) The dollar amount paid and the dollar amount written off during the time this act is effective.

"(b) The Department of Finance and Administration shall submit the report under subsection (a) of this section to the Legislative Council and the Director of the Department of Arkansas State Police by October 1 of each year while the act is in effect."

Acts 2019, No. 992, § 3, provided: "Report required."

"(a) The Department of Finance and Administration shall prepare an annual report concerning this act that includes the following information:

"(1) The number of eligible participants;

"(2) The number of participants who were reinstated under this act; and

"(3) The dollar amount paid and the dollar amount written off during the time this act is effective.

"(b) The Department of Finance and Administration shall submit the report under subsection (a) of this section to the Legislative Council and the Director of the Department of Arkansas State Police by October 1 of each year."

The amendment of this section by Acts 2019, No. 992, supersedes the amendment by Acts 2019, No. 803. Acts 2019, No. 803, amended the version of § 27-15-808(c) effective after January 15, 2019, to insert a new subdivision (c)(3) and redesignate former (c)(3) as (d), as follows:

"(c)(1) The reinstatement fee under this section shall be calculated by multiplying one hundred dollars (\$100) by each separate occurrence of offenses under any other provision of the law resulting in:

"(A) A court order directing the office to suspend the driving privileges of the person; or

"(B) The office's entering a suspension order.

"(2) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-508.

"(3) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section that are owed by a taxpayer shall be setoff against the taxpayer's state income tax refund.

"(d) As used in this section, 'occurrence' means each separate calendar date when an offense or offenses take place."

Amendments. The 2017 amendment redesignated former (c)(1) and (2) as (c)(1)(A) and (B); added present (c)(2) through (c)(4); redesignated former (c)(3) as the introductory language of (d) and (d)(1); and added (d)(2).

The 2019 amendment by No. 803 inserted (c)(3) and redesignated former (c)(3) as (d).

The 2019 amendment by No. 910 substituted "Division of Arkansas State Police Fund" for "Department of Arkansas State Police Fund" in (b)(2).

The 2019 amendment by No. 992 added "Definitions" in the section heading; substituted "under this section" for "pursuant to the provisions of this section" in the

introductory language of (b); deleted former (c)(2) and (c)(3); and added present (c)(2) through (c)(5) and (d).

Effective Dates. Acts 2015, No. 1193, § 3: Jan. 1, 2016, until June 30, 2016.

Acts 2017, No. 915, § 3: Sept. 1, 2017, until Jan. 15, 2019.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Jessie Wallace Burchfield, A Ticket to Jail: Do Minor Traffic Violations Result in Jail Time for Poor Arkansans?, 42 U. Ark. Little Rock L. Rev. 371 (2020).

Judge Victor A. Fleming, DisAPPEARing Act: Arkansas's Circularly-Defined Default, 42 U. Ark. Little Rock L. Rev. 405 (2020).

27-16-811. Exception to disclosing residence address — Address confidentiality program — Definitions.

(a) As used in this section:

(1) "Domestic violence" means:

(A) Physical harm, bodily harm causing injury, or an assault against a person caused by:

(i) A family or household member; or

(ii) Another person with whom the victim is in a dating relationship;

(B) Mental or emotional harm to a person caused by:

(i) A family or household member; or

(ii) Another person with whom the victim is in a dating relationship; or

(C) Sexual abuse caused by:

(i) A family or household member; or

(ii) Another person with whom the victim is in a dating relationship; and

(2) "Licensee" means a person who is applying for, renewing, or requesting a change to his or her driver's license issued or to be issued under this chapter and who is:

(A) The victim of domestic violence; or

(B) The dependent of a victim of domestic violence.

(b) A licensee shall qualify for the exception for disclosing a residence address under this section if he or she:

(1) Presents a valid order of protection issued under the Domestic Abuse Act of 1991, § 9-15-101 et seq.;

(2) Presents an affidavit in which the licensee states that he or she:

(A) Is a victim of domestic violence, or is the dependent of a victim of domestic violence; or

(B) Fears further acts of domestic violence, or resides with the victim of domestic violence and fears further acts of domestic violence against his or her parent, custodian, or guardian; and

(3) Agrees to the terms of participation in the address confidentiality program.

(c)(1) A licensee who participates in the address confidentiality program under this section shall be issued a driver's license that discloses a post office box address in lieu of his or her residence address.

(2)(A) The licensee shall provide to the Department of Finance and Administration his or her residence address, which shall be kept on file with the department for as long as the licensee holds a license that displays a post office box in lieu of a residence address.

(B) The licensee shall update his or her residence address and post office box address with the department if a change occurs.

(3)(A) The department shall only disclose the residence address to a person who:

(i) Presents a current and valid court order from a court in this state finding a compelling reason for access to the residence address;

(ii) Presents valid identification to the department; and

(iii) Is not a person who has been convicted of domestic violence against whom the order of protection has been entered or who is related by blood or marriage to the person against whom the order of protection has been entered.

(B) The department shall maintain a record of each and every person to whom the department discloses the residence address.

(C) The department shall provide written notice to the licensee that advises him or her of a disclosure to a third party.

(D)(i) The department shall accept complaints from the licensee if the licensee objects to the disclosure to a third party.

(ii) The department shall refer a complaint to the prosecuting attorney for prosecution for perjury or another offense relating to judicial or other official proceedings under § 5-53-101 et seq. related to a false compelling reason stated in an affidavit under subdivision (c)(3)(A)(i) of this section.

(d) The Secretary of the Department of Finance and Administration shall promulgate rules and forms to administer the address confidentiality program under this section.

History. Acts 2005, No. 1233, § 1; 2019, No. 910, § 4658; 2021, No. 913, §§ 1, 2.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (d).

The 2021 amendment, in (a), added the definition for "Domestic violence" and re-

designated the existing provisions accordingly; in (c)(3)(A)(i), inserted "current and valid court order from a court in this state finding a" and deleted "in an affidavit" following "address"; and inserted "who has been convicted of domestic violence" in (c)(3)(A)(iii).

27-16-812. Veteran designation.

(a)(1) A person may apply to the Office of Driver Services to obtain a veteran designation on a driver's license or identification card issued under this subchapter by providing:

(A) A military discharge document that shows a discharge status of “honorable” or “general under honorable conditions” and establishes the person’s service in the United States Armed Forces, including without limitation a:

- (i) United States Department of Defense DD Form 214 Certificate of Release or Discharge from Active Duty;
- (ii) National Guard Bureau NGB Form 22 Report of Separation and Record of Service;
- (iii) Veteran Identification Card issued by the United States Department of Veterans Affairs;
- (iv) United States Department of Defense Form DD 256;
- (v) United States Department of Defense Form DD 257;
- (vi) United States Department of Defense Form DD 2, Retired; or
- (vii) United States Department of Defense Form DD 2, Reserve Retired; and

(B) Payment of the fee for the driver’s license or identification card authorized under this chapter.

(2) If the person is seeking a duplicate or substitute driver’s license with the veteran designation and his or her driver’s license has not expired, the fee shall be as provided under § 27-16-806.

(b) The Office of Driver Services may:

(1) Determine the appropriate placement of the veteran designation on the driver’s licenses and identification cards authorized under this section; and

(2) Promulgate the necessary rules for the administration of this section.

History. Acts 2011, No. 12, § 2; 2019, No. 66, § 1.

Amendments. The 2019 amendment, in the introductory language of (a)(1)(A), substituted “military discharge document” for “Department of Defense dis-

charge document, otherwise known as a DD Form 214”, substituted “and” for “that”, and added “including without limitation a”; and added (a)(1)(i) through (a)(1)(vii).

27-16-815. Communication impediment designation and decal.

(a)(1) A person, or the parent or guardian of a person, who meets the requirements of this section may apply to the Office of Driver Services for a communication impediment designation on the driver’s license or identification card of the person by providing:

(A) Documentation from a physician that the person meets the requirements of this section; and

(B) Payment of the fee for the driver’s license or identification card authorized under this chapter.

(2) If the person seeks a duplicate or substitute driver’s license or identification card with the communication impediment designation and his or her driver’s license or identification card has not expired, the fee shall be as provided under § 27-16-806.

(b)(1) A person who qualifies for the issuance of a communication impediment designation, or his or her parent or guardian, may pur-

chase a communication impediment decal for his or her license plate for a fee of one dollar (\$1.00).

(2) The Department of Finance and Administration shall design a decal to indicate that a person present in a motor vehicle displaying a license plate with a communication impediment decal under subdivision (b)(1) of this section has a medical condition that may impede his or her ability to communicate.

(3) The fee of one dollar (\$1.00) authorized by subdivision (b)(1) of this section shall be used by the department to defray the cost of administering this section.

(c) The purpose of the communication impediment designation and decal is to facilitate communication during an encounter between a law enforcement officer, an emergency medical service provider, or a firefighter and a person present in a motor vehicle who has a medical condition that may impede his or her ability to communicate, including without limitation the following medical conditions:

- (1) Alzheimer's disease;
- (2) Autism spectrum disorders; or
- (3) Down syndrome.
- (d) The office may:

(1) Determine the appropriate placement of the communication impediment designation on a driver's license or identification card authorized under this section; and

(2) Promulgate the necessary rules for the administration of this section.

(e) This section does not require a person who has a communication impediment to obtain a driver's license or identification card with a communication impediment designation.

History. Acts 2017, No. 366, § 1.

Effective Dates. Acts 2017, No. 366,

§ 2: Nov. 13, 2017.

27-16-816. Probationer and parolee restricted permits.

(a)(1) If a person is on probation or parole, or is within ninety (90) days of release on probation or parole, for an offense that did not involve the operation of a motor vehicle and he or she has his or her license suspended for a reason not listed under § 27-16-915(b)(2)(C), the person may be eligible for a restricted driving permit under this section that permits the holder to drive a motor vehicle directly to and directly home from:

- (A) A place where he or she is employed;
 - (B) A place where he or she, or his or her minor child, attends school;
 - (C) A scheduled meeting with his or her probation or parole officer;
- or

(D) Any place, location, or meeting that the person's probation or parole officer has directed the person on probation or parole to travel to or attend.

(2) This section does not apply to a person with an expired driver's license.

(b)(1)(A) The application for a restricted driving permit under this section by a person on probation or parole may be submitted electronically to the Department of Finance and Administration by a probation or parole officer employed by the Division of Community Correction.

(B) The department shall determine whether the restricted driving permit that allows a person on probation or parole to drive a motor vehicle to and from a place listed under subsection (a) of this section shall be issued.

(2)(A) A restricted driving permit issued under this section shall be a standardized permit, and the person possessing a restricted driving permit under this section shall have the restricted driving permit in his or her possession at all times when the person is operating a motor vehicle until the person's driver's license is no longer suspended.

(B)(i) A restricted driving permit shall include the address of the person's residence and the address of each location to and from where the person is permitted to drive under this section.

(ii) The person's name and address on a restricted driving permit under this section shall match the person's name and address as listed on a valid state-issued identification in the person's possession.

(3) The department may revoke a restricted driving permit under this section at any time and for any reason.

(c) A person who knowingly creates a fraudulent restricted driving permit, the purpose of which is to be used as a restricted driving permit under this section upon conviction is guilty of a Class A misdemeanor.

(d) A motor vehicle liability insurance carrier may provide liability insurance for a person issued a restricted driving permit under this section but is not required to issue an insurance policy for a person who has been issued a restricted driving permit under this section.

(e)(1) A person on probation or parole who has been issued a restricted driving permit under this section shall continue to have his or her driver's license suspended until the person has satisfied all the requirements necessary to remove his or her driver's license from suspension.

(2) Once the person on probation or parole has his or her driver's license removed from suspension, he or she shall be free from the restrictions placed on him or her under this section.

(f) A restricted driving permit issued under this section expires on the date on which the person is released from probation or parole supervision.

(g) The division and the department may promulgate rules to implement this section.

History. Acts 2017, No. 1012, § 2; 2019, No. 69, § 2.

Amendments. The 2019 amendment, in the introductory language of (a)(1), sub-

stituted “person is” for “person”, inserted “or is within ninety (90) days of release on probation or parole”, and inserted “and he or she”.

SUBCHAPTER 9 — EXPIRATION, CANCELLATION, REVOCATION, OR SUSPENSION

SECTION.

27-16-901. Expiration and renewal of licenses.

27-16-902. Extension of expiration date of licenses for military members — Definition.

27-16-907. Suspension or revocation of licenses.

27-16-909. Suspension or revocation of license for inability to drive.

27-16-911. Surrender and replacement of license.

SECTION.

27-16-913. Right of appeal to court of record.

27-16-915. Suspension for conviction of controlled substances offense — Definitions.

27-16-916. Other driver's license suspensions — Restricted driving permits.

Effective Dates. Acts 2015, No. 343, § 5: Jan. 1, 2016.

Acts 2017, No. 131, § 2: Nov. 13, 2017.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emer-

gency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-16-901. Expiration and renewal of licenses.

(a)(1)(A) Except for the intermediate driver's license and the learner's license, every driver's license shall expire at the end of the month in which it was issued eight (8) years from its date of initial issuance unless the Secretary of the Department of Finance and Administration provides by rule for some other staggered basis of expiration.

(B)(i) A learner's license shall be issued for no more than a two-year period and shall expire upon the driver's reaching sixteen (16) years of age.

(ii) Any person sixteen (16) years of age may apply for an intermediate driver's license, provided that his or her driving record is free of a serious accident and conviction of a serious traffic violation for the most recent six-month period.

(C) An intermediate driver's license shall be issued for no more than a two-year period and shall expire upon the driver's reaching

eighteen (18) years of age and may be renewed at that time or within thirty (30) days following the expiration date of the intermediate driver's license as a regular driver's license for eight (8) years, so long as the intermediate driver has been free of a serious accident and conviction of a serious traffic violation for at least twelve (12) months before arriving at his or her eighteenth birthday.

(2)(A) The secretary may by rule shorten or lengthen the term of any driver's license period, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year.

(B)(i) All drivers' licenses subject to change under this subsection shall also be subject to a pro rata adjustment of the license fee charged in § 27-16-801(a).

(ii) The adjustment of the fee shall be carried out in the manner determined by the secretary by rule.

(b) Every driver's license shall be renewable on or before its expiration upon completion of an application, payment of the fees designated in § 27-16-801, and passage of the eyesight test required in § 27-16-704 and shall be renewed without other examination, unless the secretary has reason to believe that the licensee is no longer qualified to receive a license.

History. Acts 1937, No. 280, § 22; Pope's Dig., § 6846; A.S.A. 1947, § 75-326; Acts 1989, No. 193, § 6; 1993, No. 445, § 24; 2001, No. 1694, § 8; 2015, No. 343, § 4; 2017, No. 448, § 30; 2019, No. 596, § 1; 2019, No. 910, §§ 4659-4662.

Amendments. The 2017 amendment substituted "Director of the Department of Finance and Administration provides by rule" for "Commissioner of Motor Vehicles shall provide, by regulation" in (a)(1)(A); redesignated (a)(1)(B) as (a)(1)(B)(i) and (ii); substituted "The director may by rule" for "The commissioner shall have the authority, by regulation, to" in (a)(2)(A); substituted "director by rule"

for "commissioner by regulation" in (a)(2)(B)(ii); and substituted "director" for "commissioner" in (b).

The 2019 amendment by No. 596 inserted "or within thirty (30) days following the expiration date of the intermediate driver's license" in (a)(1)(C).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1)(A); and substituted "secretary" for "director" in (a)(2)(A), (a)(2)(B)(ii), and (b).

Effective Dates. Acts 2015, No. 343, § 5; Jan. 1, 2016.

27-16-902. Extension of expiration date of licenses for military members — Definition.

(a) As used in this section, "military member" means an active duty member of:

- (1) The Air National Guard, including a member on state active duty;
- (2) The Army National Guard, including a member on state active duty;
- (3) A reserve component of the United States Armed Forces; or
- (4) A branch of the United States Armed Forces.

(b)(1) Unless the driver's license is suspended, canceled, or revoked, a driver's license issued by this state to a military member shall not

expire while the military member is not residing in this state if the military member applies for an official extension of the expiration date as required by the Office of Driver Services.

(2) A driver's license with an extended expiration date as authorized by this subsection shall remain valid until sixty (60) days after the military member separates or is honorably discharged from active duty military service.

(c) The Secretary of the Department of Finance and Administration may promulgate rules necessary for compliance with this section.

History. Acts 1969, No. 298, § 1; A.S.A. 1947, § 75-358; Acts 2017, No. 131, § 1; 2019, No. 462, § 21; 2019, No. 910, § 4663.

Amendments. The 2017 amendment substituted "members" for "personnel" in the section heading; and rewrote the section.

The 2019 amendment by No. 462 added "including a member on state active duty" in (a)(1) and (a)(2).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (c).

Effective Dates. Acts 2017, No. 131, § 2: Nov. 13, 2017.

27-16-907. Suspension or revocation of licenses.

(a) The Office of Driver Services may suspend the license of a driver for up to one (1) year upon a showing by its records or other sufficient evidence that the licensee is a habitual violator of the traffic laws.

(b) The Office of Driver Services may suspend the license of a driver for one (1) year upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been involved as a driver in an accident resulting in the death or personal injury of another or in serious property damage;

(2) Is an habitually reckless or negligent driver of a motor vehicle;

(3) Has permitted an unlawful or fraudulent use of the licensee's license;

(4) Has been convicted of an offense in another state that if committed in this state would be grounds for suspension;

(5) Is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in at least one (1) eye or if the total visual field of the person is less than one hundred five degrees (105°);

(6) Was found by the Office of Driver Services or its agent to have committed fraud in making an application for a driver's license or identification card issued under § 27-16-805;

(7) Was found by the Office of Driver Services or its agent to have used or attempted to use a driver's license or identification card issued under § 27-16-805 that was fraudulent, counterfeit, or altered; or

(8) Was found by the Office of Driver Services or its agent to have used or attempted to use the driver's license or identification card of another person by representing it as the licensee's own license or identification card issued under § 27-16-805.

(c) The Office of Driver Services may revoke the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been convicted of an offense in another state that if committed in this state would be grounds for revocation; or

(2)(A) Is a person who is not lawfully present within the United States.

(B) The Office of Driver Services shall not grant a new application for a license to a driver revoked under subdivision (c)(2)(A) of this section unless the driver demonstrates to the Office of Driver Services that the driver is lawfully present within the United States.

(C) Notwithstanding the provisions of § 27-16-912, a driver whose license is revoked for failure to demonstrate legal presence may apply for a new license at any time during the year following revocation if the driver is able to demonstrate lawful presence at the time of the application for a new license.

(d) The Office of Driver Services may secure from all state agencies involved the necessary information to comply with this section.

(e)(1) Upon the suspension or revocation of the license of a person under this section, the Office of Driver Services shall notify the licensee in writing.

(2) Any licensee desiring a hearing shall notify the Office of Driver Services in writing within twenty (20) days after receipt of the notice of suspension or revocation.

(3)(A) A hearing officer appointed by the Secretary of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the secretary for the hearings.

(B) The hearing shall be in the office of the Revenue Division in the county of residence of the licensee unless the secretary and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4) Based upon the evidence presented at the hearing, the hearing officer shall modify, rescind, or affirm the suspension or revocation of the license.

(f) Hearings conducted by the Office of Driver Services under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(g) The secretary may promulgate rules for the administration of this section.

History. Acts 1937, No. 280, § 30; Pope's Dig., § 6854; Acts 1967, No. 340, § 1; A.S.A. 1947, § 75-334; Acts 1987, No. 976, § 1; 1989, No. 193, § 7; 1993, No. 445, § 28; 1997, No. 1099, § 2; 2001, No. 744, § 1; 2001, No. 1057, § 1; 2011, No. 194, § 5; 2019, No. 315, § 3116; 2019, No. 910, §§ 4664, 4665.

Amendments. The 2019 amendment

by No. 315 deleted "and regulations" following "rules" in (g).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (e)(3)(A); and substituted "secretary" for "director" in (e)(3)(A), (e)(3)(B), and (g).

27-16-909. Suspension or revocation of license for inability to drive.

(a)(1) The Office of Driver Services, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may, upon written notice of at least five (5) days to the licensee, require the licensee to submit to an initial evaluation by a hearing officer appointed by the Secretary of the Department of Finance and Administration in an office of the Revenue Division of the Department of Finance and Administration designated by the secretary.

(2)(A) Upon the conclusion of the initial evaluation, the hearing officer shall determine:

(i) That the initial evaluation does not support the suspension or revocation of the license and that the license shall remain in effect; or

(ii) That the driver must submit to a medical evaluation, a driving skills evaluation, or both a medical evaluation and a driving skills evaluation.

(B) If the hearing officer determines that the driver must submit to a medical evaluation, driving skills evaluation, or both a medical evaluation and a driving skills evaluation, the driver shall provide proof of completion of the evaluation or evaluations to the hearing officer within thirty (30) days of the initial evaluation.

(C) Refusal or neglect of the licensee to submit to, and provide proof of completion of, an evaluation required under this section is grounds for suspension or revocation of the licensee's license.

(b) Upon receipt by the Office of Driver Services of evaluations required under subsection (a) of this section, the Office of Driver Services may suspend or revoke the license of the person or may permit the person to retain his or her license or may issue a license subject to restrictions as permitted under § 27-16-804.

(c)(1) The Office of Driver Services shall notify the licensee in writing of the suspension or revocation of the driver's license as authorized under this section.

(2) Any licensee desiring a hearing shall notify the Office of Driver Services in writing within twenty (20) days after receipt of the notice of suspension or revocation.

(3)(A) A hearing officer appointed by the secretary shall schedule a hearing in an office of the Revenue Division designated by the secretary for hearings under this section.

(B) The hearing shall be in the office of the Revenue Division in the county of residence of the licensee unless the secretary and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4) Based upon the evidence presented at the hearing, the hearing officer shall modify, rescind, or affirm the suspension or revocation of the license.

(5) Hearings conducted by the Office of Driver Services under this section are not subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d)(1) The Office of Driver Services shall not reinstate the license of a person suspended under this section unless the driver demonstrates to the Office of Driver Services that the driver is competent to operate a motor vehicle.

(2) The Office of Driver Services shall not grant an application for a new license to a driver whose license has been revoked under this section unless the driver demonstrates to the Office of Driver Services that the driver is competent to operate a motor vehicle.

(e) The secretary may promulgate rules for the orderly and efficient administration of this section.

History. Acts 1937, No. 280, § 25; Pope's Dig., § 6849; Acts 1959, No. 307, § 16; A.S.A. 1947, § 75-329; Acts 1993, No. 445, § 30; 2011, No. 194, § 6; 2019, No. 315, § 3117; 2019, No. 910, §§ 4666-4668.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (e).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" throughout the section.

27-16-911. Surrender and replacement of license.

(a) The Office of Driver Services, upon suspending or revoking a license, shall require that the license be surrendered to the office.

(b)(1) At the end of the period of suspension, the office shall issue a duplicate driver's license upon:

(A) Proof that the licensee has satisfied all legal requirements for the re-issuance of a driver's license; and

(B) Payment of the fees imposed by § 27-16-806(d).

(2)(A) If the end of the period of suspension falls within one (1) year of the date the driver's license is eligible to be renewed, the office, at the discretion of the licensee, may renew the suspended license upon receipt of a completed application for renewal, payment of fees imposed under § 27-16-801, and passage of the eyesight test required in § 27-16-704.

(B) If the driver elects to renew the suspended license instead of receiving a duplicate license, the driver shall not be required to pay the fees imposed by § 27-16-806(d).

(c) Payment of the fees imposed by § 27-16-806(d) shall not be required if the suspension or revocation of the license is reversed and the license is reinstated under § 5-65-402(d)(2)(B)(ii).

History. Acts 1937, No. 280, § 32; 336; Acts 1993, No. 445, § 32; 2015, No. Pope's Dig., § 6856; A.S.A. 1947, § 75- 176, § 2.

27-16-913. Right of appeal to court of record.

(a)(1) A person denied a license or whose license has been suspended, disqualified, or revoked by the Office of Driver Services, within thirty (30) days of receipt of the decision by the office to deny, suspend,

disqualify, or revoke the license, may file a de novo petition of review in the Pulaski County Circuit Court or the circuit court in the county where the licensee or interested person resides.

(2) A copy of the decision of the office shall be attached to the petition.

(3) A copy of the petition shall be served upon the Secretary of the Department of Finance and Administration in accordance with the Arkansas Rules of Civil Procedure.

(4) A de novo petition to circuit court for review of a decision concerning a license under this section is not subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) The filing of a petition of review shall not operate as an automatic stay of the decision of the hearing officer.

(c) If a court issues an order staying the decision or placing the decision in abeyance, the court shall transmit a copy of the order to the office in the same manner that convictions and orders relating to driving records are sent to the office under § 27-16-302.

(d)(1) The circuit judge is vested with jurisdiction to determine whether the petitioner is entitled to a license or whether the decision of the hearing officer should be affirmed, modified, or reversed.

(2) At the hearing, the burden of proof is on the state, and the decision shall be based on a preponderance of the evidence.

History. Acts 1937, No. 280, § 34; Pope's Dig., § 6858; A.S.A. 1947, § 75-338; Acts 1987, No. 976, § 2; 2011, No. 194, § 8; 2019, No. 910, § 4669.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(3).

Amendments. The 2019 amendment

27-16-915. Suspension for conviction of controlled substances offense — Definitions.

(a) As used in this section:

(1) "Drug offense" has the meaning as provided in § 5-64-710; and

(2) "Specialty court" means one (1) of the following:

(A) A pre-adjudication program under § 5-4-901 et seq.;

(B) An approved drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(C) A probation program under the Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or

(D) A specialty court program that has been approved by the Supreme Court, including without limitation a specialty court program known as:

(i) A DWI court;

(ii) A mental health court;

(iii) A veteran's court;

(iv) A juvenile drug court;

(v) A "HOPE" court; or

(vi) A "smarter sentencing" court.

(b)(1)(A) When a person is accepted and enrolled in a court-approved pre-adjudication specialty court program for an offense involving the

illegal possession or use of a controlled substance, pleads guilty or nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under the Uniform Controlled Substances Act, § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of the matter, including any federal court, unless there are compelling circumstances warranting an exception, shall prepare and transmit to the Department of Finance and Administration an order to suspend the driving privileges of the person for six (6) months, provided the order regarding a person who is a holder of a commercial driver's license issued under the Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., or under the laws of another state shall include the suspension of the driving privileges of that person to drive a commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103, or as similarly defined by the laws of any other state, for a period of one (1) year.

(B) Unless there are compelling circumstances warranting an exception, courts within the State of Arkansas shall prepare and transmit to the department an order within twenty-four (24) hours after the:

- (i) Plea of guilty or nolo contendere;
- (ii) Finding of guilt; or
- (iii) Acceptance and enrollment in a specialty court.

(C) Unless there are compelling circumstances warranting an exception, courts outside Arkansas having jurisdiction over a person holding driving privileges issued by the State of Arkansas shall prepare and transmit an order under an agreement or arrangement entered into between that state and the Secretary of the Department of Finance and Administration.

(D) The agreement or arrangement may also provide for the forwarding by the department of an order issued by a court within this state to the state where the person holds driving privileges issued by that state.

(2)(A) For a person holding driving privileges issued by the State of Arkansas, a court within the State of Arkansas may provide in an order for the issuance of a restricted driving permit to allow driving to and from:

- (i) A mandatory court appearance;
- (ii) A mandatory random drug-testing appearance;
- (iii) A place of employment or as required in the scope of employment;
- (iv) A scheduled session or meeting of a support or counseling organization;
- (v) An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution;
- (vi) A treatment program for persons who have addiction or abuse problems related to a substance or controlled substances;

(vii) A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member; or

(viii) Enrollment, compliance, and participation in a specialty court program if the person is accepted into a specialty court program.

(B)(i) Courts within the State of Arkansas shall prepare and transmit to the department an order for a restricted driving permit issued under this section within three (3) business days after the entry of the order.

(ii) The department shall transmit to the Arkansas Crime Information Center an order for a restricted driving permit within three (3) business days after receipt of the order from the court.

(C) The court shall not issue a restricted driving permit under subdivision (b)(2)(A) of this section if the person's driving privileges are subject to:

(i) A revocation in the State of Arkansas or another state;

(ii) A suspension wherein a court has prohibited the issuance of a restricted driving permit;

(iii) A suspension for an offense committed outside of the State of Arkansas where the person is restricted to the use of an ignition interlock device; or

(iv) A suspension under:

(a) Section 5-65-104;

(b) Section 5-65-205;

(c) Section 5-65-304;

(d) Section 5-65-310;

(e) Section 9-14-239;

(f) Section 27-16-905;

(g) Section 27-16-907(b)(4)-(6);

(h) Section 27-16-908;

(i) Section 27-16-909;

(j) Section 27-19-610;

(k) Section 27-19-707, unless the judgment creditor has furnished written consent to allow a restricted driving permit; or

(l) The Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq.

(D) The court shall not issue a restricted permit to operate a commercial motor vehicle.

(c) Upon receipt of an order of denial of driving privileges under this section, the department shall:

(1) Suspend the driver's license of the person for six (6) months;

(2) In the event the person's driver's license is under suspension by the department for another offense or other violations, the person's driver's license shall be suspended an additional six (6) months; or

(3) If the person has not been issued a driver's license, the issuance of a license by the department shall be delayed for an additional six (6) months after the person applies for a license.

(d) Upon receipt of an order of denial of driving privileges under this section, which order concerns a person who is a holder of a commercial driver's license issued under the Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., the department, in addition to any actions taken pursuant to subsection (c) of this section, shall:

(1) Suspend the commercial driver's license of the person for one (1) year;

(2) In the event the person's commercial driver's license is under suspension by the department for another offense or other violations, the person's commercial driver's license shall, in addition to any penalties provided by the laws of this state, be suspended an additional one (1) year; or

(3) If the person has not been issued a commercial driver's license, the issuance of such a license by the department shall be delayed for an additional one-year period after the person applies for a license.

(e) Nothing contained in subsection (d) of this section shall require the issuance or reissuance of any commercial driver's license to any person following any suspension who is otherwise ineligible pursuant to other laws of this state to obtain such issuance or reissuance.

(f) Penalties prescribed in this section shall be in addition to all other penalties prescribed by law for the offenses covered by this section.

History. Acts 1991, No. 1109, §§ 1-3; 1993, No. 1257, § 4; 2015, No. 1246, § 1; 2019, No. 704, § 1; 2019, No. 910, § 4670.

Amendments. The 2019 amendment by No. 704 inserted "unless there are compelling circumstances warranting an exception" in (b)(1)(A); substituted "Unless there are compelling circumstances warranting an exception, courts" for

"Courts" in the introductory language of (b)(1)(B) and in (b)(1)(C); and made a stylistic change.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(1)(C).

27-16-916. Other driver's license suspensions — Restricted driving permits.

(a) Unless a person is eligible for a restricted driver's license as provided under this title, a district court may authorize a restricted driving permit upon the suspension of a person's driver's license under § 16-13-708 or § 16-17-131 and may permit a person whose driving privileges are suspended to drive to and from the following:

(1) A mandatory court appearance;

(2) A program or place where a court has ordered the person's presence or attendance;

(3) A place of employment or as required in the scope of employment;

(4) A scheduled session or meeting of a support or counseling organization;

(5) An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution;

(6) The educational institution or childcare facility of the person's child or children;

(7) A treatment program for persons who have addiction or abuse problems related to a substance or controlled substances;

(8) A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member;

(9) A location for the enrollment, compliance, and participation in a specialty court program if the person is accepted into a specialty court program; and

(10) Any other location the court finds reasonable and necessary.

(b)(1) A district court issuing a restricted driving permit under this section shall prepare and transmit to the Department of Finance and Administration an order for a restricted driving permit within three (3) business days after the entry of the order.

(2) The department shall transmit to the Arkansas Crime Information Center an order for a restricted driving permit within three (3) business days after receipt of the order from the district court.

History. Acts 2021, No. 1049, § 3.

SUBCHAPTER 11 — DRIVER'S LICENSE SECURITY AND MODERNIZATION ACT

SECTION.

27-16-1105. Minimum issuance standards for driver's licenses.

27-16-1106. Additional requirements.

SECTION.

27-16-1107. Linking of databases.

27-16-1108. Rules.

Effective Dates. Acts 2015, No. 895, § 48(b); Jan. 1, 2016. Effective date clause provided: "Sections 46 and 47 of this act are effective on and after January 1, 2016."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded

sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-1105. Minimum issuance standards for driver's licenses.

(a)(1) Except as provided under subdivisions (a)(2) and (3) and (b)(1) of this section regarding the renewal, duplication, or reissuance of a driver's license or identification card, to meet the requirements of this

section the Office of Driver Services shall require at a minimum presentation of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(B) Documentation showing the person's date of birth;

(C) Proof of the person's Social Security account number or verification that the person is not eligible for a Social Security account number; and

(D) Evidence of legal status that includes valid documentary evidence that the person:

(i) Is a citizen of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent resident status in the United States;

(iv) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(v) Has a pending or approved application for asylum in the United States;

(vi) Has entered into the United States in refugee status;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status;

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States;

(x) Has a pending extension Form I-129, Petition for a Nonimmigrant Worker or a pending Form I-539, Application to Extend/Change Nonimmigrant Status for dependents, as evidenced by a valid Form I-797C, Notice of Action; or

(xi) Is a spouse or minor child described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1, 2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect on January 1, 2013, who has been given authorization for optional practical training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013, established by a valid employment authorization document issued by United States Citizenship and Immigration Services.

(2)(A) If ten (10) or more driver's licenses are issued with the same address of residence, the applicant shall present documentation that establishes the person's address of residence.

(B) The documentation requirements under subdivision (a)(2)(A) of this section shall include, but not be limited to:

(i) A lease;

(ii) A mortgage statement; or

(iii) A utility bill.

(3)(A)(i) The office may establish by rule a written and defined exceptions process for a person who is unable to present all the

necessary documents for a driver's license or identification card and who must rely upon alternate documents.

(ii) The office shall accept alternate documents only to establish identity or date of birth of the person.

(iii)(a) An eligible inmate as defined under § 27-16-801(h)(1) may satisfy the identity document requirement under this section by submitting a sentencing order to the Office of Driver Services before his or her release from incarceration.

(b) The exception to the identity document requirement under subdivision (a)(3)(A)(iii)(a) of this section shall not be applicable to a first-time issuance of a driver's license or identification card nor may it be used to waive any documentation requirements for non-United States citizens.

(B) A person wishing to obtain a driver's license or identification card using alternate documents shall demonstrate to the office that the person is relying on alternate documents due to reasons beyond the person's control.

(C)(i) The office shall determine whether the alternate documents presented possess reasonable indications of reliability.

(ii) The alternate documents are subject to reasonable verification by the office.

(b)(1) For purposes of subsection (a) of this section and except as provided in subdivision (b)(2) of this section, the office shall presume that any driver's license or identification card for which an application has been made for renewal, duplication, or reissuance has been issued in accordance with the provisions of subsection (a) of this section if at the time the application was made the driver's license or identification card had not been cancelled, suspended, or revoked.

(2) Subdivision (b)(1) of this section shall not apply to a renewal, duplication, or reissuance of a driver's license or identification card if the office is notified by a local, state, or federal government agency that the person seeking the renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

(c) To meet the requirements of this section, the office shall implement the following procedures:

(1) The office shall not accept any foreign document other than an official passport to satisfy a requirement of subsection (a) or subsection (b) of this section; and

(2) No later than January 31, 2006, the Secretary of the Department of Finance and Administration shall enter into a memorandum of understanding with the United States Secretary of Homeland Security to routinely utilize the automated system known as the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, to verify the legal presence status of a person other than a United States citizen applying for a driver's license or identification card.

History. Acts 2005, No. 2210, § 1; 2011, No. 1212, §§ 1, 2; 2013, No. 1493, § 1; 2015, No. 895, § 47; 2017, No. 1012, § 3; 2019, No. 910, § 4671.

A.C.R.C. Notes. Acts 2015, No. 895, § 1, provided: "Legislative intent. "It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in fighting crime and keeping the peace, and

to enhance public safety."

Amendments. The 2017 amendment substituted "§ 27-16-801(h)(1)" for "§ 27-16-801(i)(1)" in (a)(3)(A)(iii)(a).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (c)(2).

Effective Dates. Acts 2015, No. 895, § 48(b): Jan. 1, 2016. Effective date clause provided: "Sections 46 and 47 of this act are effective on and after January 1, 2016."

27-16-1106. Additional requirements.

To meet the requirements of this section regarding the issuance of driver's licenses and identification cards, the Secretary of the Department of Finance and Administration shall:

(1) Retain for a minimum of five (5) years paper copies or images of source documents presented;

(2) Subject each person applying for a driver's license or identification card to mandatory digital facial image capture;

(3)(A) Confirm with the Social Security Administration a Social Security account number presented by a person using the full Social Security account number.

(B) In the event that a Social Security account number is already registered to or associated with another person to whom the Office of Driver Services has issued a driver's license or identification card, the office shall resolve the discrepancy and take appropriate action;

(4) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another state without retaining the license issued by another state;

(5) Ensure the physical security of locations where driver's licenses and identification cards are produced and the security of document materials and papers from which driver's licenses and identification cards are produced;

(6) Subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements to include, but not be limited to, criminal background checks; and

(7) Establish fraudulent document recognition training programs for the employees of the office who are engaged in the issuance of driver's licenses and identification cards.

History. Acts 2005, No. 2210, § 1; 2019, No. 910, § 4672.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

27-16-1107. Linking of databases.

(a) The Secretary of the Department of Finance and Administration shall ensure that the State of Arkansas is eligible to receive any grant or other type of financial assistance made available under federal law regarding driver's license security and modernization.

(b) The secretary shall implement and oversee a motor vehicle database that contains at a minimum the following information:

(1) All data fields printed on driver's licenses and identification cards issued by the Office of Driver Services; and

(2) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on licenses.

History. Acts 2005, No. 2210, § 1; 2019, No. 910, §§ 4673, 4674.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

27-16-1108. Rules.

The Secretary of the Department of Finance and Administration shall promulgate rules to implement and administer this subchapter.

History. Acts 2005, No. 2210, § 1; 2019, No. 910, § 4675.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

SUBCHAPTER 12 — ARKANSAS VOLUNTARY ENHANCED SECURITY DRIVER'S LICENSE AND IDENTIFICATION CARD ACT

SECTION.

27-16-1203. Definitions.

27-16-1204. System development.

27-16-1207. Issuance standards — Proof of physical address.

27-16-1208. Evidence of lawful status.

SECTION.

27-16-1209. Expiration and renewal.

27-16-1211. Authority to promulgate rules.

27-16-1212. Implementation date.

27-16-1213. [Repealed.]

Effective Dates. Acts 2015, No. 173, § 2: Feb. 23, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is in the interest of Arkansans to continue the issuance of enhanced security driver's licenses and identification cards; that it is sound public policy to extend the expiration of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act; and that this act is necessary because without an extension of the expiration date, the Arkansas Voluntary Enhanced Security Driver's License and Identification Card

Act will expire on June 30, 2015. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2017, No. 464, § 2: Mar. 13, 2017. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that many citizens of this state rely upon the use of enhanced security driver's licenses, commercial driver's licenses, and identification cards; that these enhanced security licenses and identification cards are needed for airline travel and for business purposes; that unless this act is effective immediately the issuance of an enhanced security driver's license will be prohibited. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-16-1203. Definitions.

As used in this subchapter:

- (1) "Department" means the Department of Finance and Administration;
- (2) [Repealed.]
- (3) "Voluntary enhanced security commercial driver's license" means a commercial motor vehicle operator's license issued under this subchapter;
- (4) "Voluntary enhanced security driver's license" means a motor vehicle operator's license issued under this subchapter; and
- (5) "Voluntary enhanced security identification card" means a personal identification card described in this subchapter.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4676.

Amendments. The 2019 amendment repealed (2).

27-16-1204. System development.

(a) Notwithstanding any other provision of law, the Secretary of the Department of Finance and Administration may perform any system development necessary to implement the requirements of this subchapter.

(b) As used in this section, "system development" includes without limitation the following:

- (1) Acquisition of equipment and information technology systems and services;

(2) Modification, conversion, or upgrade of the Department of Finance and Administration's existing databases, equipment, and information technology systems;

(3) Establishment of electronic connectivity with any other state's motor vehicle department, federal agency, association, or business;

(4) Creation of a new design for driver's licenses, driver permits, and identification cards that will meet the minimum content, design, and security standards required by this subchapter;

(5) Collection, management, and retention of personal information and identity documents; and

(6) Development and implementation of a comprehensive security plan to ensure the security and integrity of the Department of Finance and Administration's:

(A) Employees;

(B) Facilities;

(C) Storage systems;

(D) Production of:

(i) Driver's licenses;

(ii) Driver permits; and

(iii) Identification cards; and

(E) Collection and retention of personal information and identity documents.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4677.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-16-1207. Issuance standards — Proof of physical address.

(a) In addition to the information required under § 27-16-1105, an applicant for a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under this subchapter must present two (2) of the following documents upon application or renewal that show the name and physical residential address of the applicant:

(1) Utility bill;

(2) Current lease or rental agreement;

(3) Bank statement;

(4) Mortgage statement;

(5) Telephone bill;

(6) Current insurance policy;

(7) State or federal tax return that is less than one (1) year old;

(8) On a formal letterhead, a letter from a bank manager, medical practitioner, accountant, or attorney that states that he or she has known the applicant for three (3) years and that confirms the applicant's physical residential address;

(9) Payslip or salary advice;

(10) Any of the above documents described in subdivisions (a)(1)-(9) of this section that contains the name of the spouse of the applicant,

together with a certified copy of the applicant's marriage license or marriage certificate; or

(11) Any other documentation the Secretary of the Department of Finance and Administration determines to be adequate proof of physical address.

(b) The documentation furnished under subdivisions (a)(1)-(11) of this section must be less than six (6) months old unless otherwise specified under subsection (a) of this section.

(c) An Arkansas post office box address is not sufficient proof of physical address for purposes of this section.

(d) The secretary may require additional proof of physical address if the secretary questions the validity or authenticity of the proof of physical address submitted by the applicant.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, §§ 4678, 4679.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a)(11); and substituted "secretary" for "director" twice in (d).

27-16-1208. Evidence of lawful status.

The Secretary of the Department of Finance and Administration shall require before issuing a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card valid documentary evidence that the applicant:

- (1) Is a citizen or national of the United States;
- (2) Is an alien lawfully admitted for permanent or temporary residence in the United States;
- (3) Has conditional permanent resident status in the United States;
- (4) Has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (6) Has a pending application for asylum in the United States;
- (7) Has a pending or approved application for temporary protected status in the United States;
- (8) Has approved deferred action status; or
- (9) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4680.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

27-16-1209. Expiration and renewal.

(a) A voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, and voluntary enhanced security identification card issued to a United States citizen or United States national under this subchapter shall expire at the time provided for other driver's licenses, commercial driver's licenses, and identification cards issued under this title.

(b)(1) Every voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued to an applicant other than a United States citizen or United States national shall expire on the date indicated in subdivision (b)(2) of this section if the applicant provides valid documentary evidence of legal status that the person:

(A) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(B) Has conditional permanent resident status in the United States;

(C) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(D) Has a pending or approved application for asylum in the United States;

(E) Has entered into the United States in refugee status;

(F) Has a pending or approved application for temporary protected status in the United States;

(G) Has approved deferred action status; or

(H) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(2)(A) If the applicant for issuance or renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card provides valid documentary evidence of legal status with no expiration date, the driver's license or identification card issued shall expire on the end of the month in which the driver's license or identification card was issued one (1) year from its date of initial issuance.

(B) If the applicant for issuance or renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card provides valid documentary evidence of legal status containing an expiration date, the driver's license or identification card issued shall expire on the earlier to occur of the following:

(i) The date of expiration indicated on the person's valid documentary evidence of legal status; or

(ii) The expiration date listed in subdivision (b)(1) or subdivision (b)(2)(A) of this section.

(3) The Office of Driver Services shall verify the legal presence of an applicant for renewal of a voluntary enhanced security driver's license,

voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card of a person included in subdivision (b)(1) or subdivision (b)(2)(A) of this section by utilizing the automated system known as the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208.

(c) A voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued under this section must be renewed at the end of the period specified in subsections (a) and (b) of this section and, to the extent applicable, other renewal provisions in this chapter.

(d) The Secretary of the Department of Finance and Administration may by rule shorten or lengthen the term of any driver's license or identification card period under this section, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4681.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (d).

27-16-1211. Authority to promulgate rules.

The Secretary of the Department of Finance and Administration may promulgate any necessary rules to carry out this subchapter, subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4682.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-16-1212. Implementation date.

This subchapter shall be effective and shall be implemented only if the Secretary of the Department of Finance and Administration:

(1) Determines that the voluntary enhanced identification and security features under this subchapter are necessary to ensure secure commerce and travel by Arkansas citizens within and throughout the State of Arkansas, the United States, and abroad;

(2) Determines that the United States Congress has not repealed the REAL ID Act of 2005, Pub. L. No. 109-13; and

(3) Promulgates a rule specifying the date of implementation of this subchapter.

History. Acts 2009, No. 1308, § 1; 2019, No. 910, § 4683.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

27-16-1213. [Repealed.]

Publisher's Notes. This section, which concerned the possible expiration of the terms of the subchapter, was repealed by Acts 2017, No. 464, § 1. The section was

derived from Acts 2009, No. 1308, § 1; 2011, No. 350, § 1; 2013, No. 487, § 1; 2015, No. 173, § 1.

SUBCHAPTER 13 — EMERGENCY CONTACT INFORMATION SYSTEM ACT

SECTION.

- 27-16-1301. Title.
- 27-16-1302. Purpose.
- 27-16-1303. System development.
- 27-16-1304. Definitions.
- 27-16-1305. Use of information.
- 27-16-1306. Authority to promulgate rules.

SECTION.

- 27-16-1307. [Repealed.]
- 27-16-1308. Voluntary participation.
- 27-16-1309. Responsibility for accuracy of information.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1301. Title.

This subchapter shall be known and may be cited as the “Emergency Contact Information System Act”.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 1.

Amendments. The 2017 amendment substituted “Emergency Contact Infor-

mation System Act” for “Arkansas Emergency Contact Information System Act”.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1302. Purpose.

The purpose of this subchapter is to create an emergency contact information system to assist law enforcement in notification of next of kin or other designated emergency contact of an eligible participant in times of emergency.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 2.

Amendments. The 2017 amendment substituted “an emergency contact infor-

mation system” for “the Arkansas Emergency Contact Information System”.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1303. System development.

The Division of Arkansas State Police in conjunction with other entities, including without limitation the Department of Finance and Administration, may establish an emergency contact information system.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 3.

Amendments. The 2017 amendment inserted "including without limitation the Department of Finance and Administration" and substituted "an emergency con-

tact information system" for "the Arkansas Emergency Contact Information System".

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1304. Definitions.

As used in this subchapter, "emergency":

(1) Means a circumstance in which:

(A) A person:

(i) Sustains injuries that render him or her unable to independently communicate with emergency contacts; or

(ii) Exhibits a symptom that renders him or her unable to independently communicate with emergency contacts, including without limitation:

(a) Memory loss;

(b) Loss of ability to understand or express speech;

(c) Disorientation; or

(d) Confusion and agitation;

(B) Contact information for next of kin or other designated emergency contact is not otherwise available; and

(C) Immediate communication with a next of kin or other designated emergency contact is necessary to support the provision of notification by law enforcement; and

(2) Includes without limitation:

(A) A motor vehicle accident;

(B) An accident involving another mode of transportation;

(C) A natural disaster; or

(D) Being a victim of a criminal act.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 3.

Amendments. The 2017 amendment substituted "Means a circumstance" for "Means an unforeseen circumstance" in the introductory language of (1); redesign-

ated former (1)(A) as the introductory language of (1)(A) and (1)(A)(i); substituted "A person" for "A victim" in (1)(A); and added (1)(A)(ii).

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1305. Use of information.

(a) Information in an emergency contact information system shall be accessible only to law enforcement for emergency notification purposes or by a court order and shall not be used in a criminal investigation or for any other purpose.

(b) Law enforcement may share information contained in the system with other law enforcement officers on the scene as needed to conduct emergency notifications.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 4.

Amendments. The 2017 amendment,

in (a), substituted "an emergency contact information system" for "the Arkansas Emergency Contact Information System"

and “by” for “pursuant to” preceding “a court order”.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1306. Authority to promulgate rules.

The Division of Arkansas State Police, the Department of Finance and Administration, and any other entity that establishes an emergency contact information system may promulgate rules to implement and administer the purpose and intent of this subchapter.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 5.

Amendments. The 2017 amendment inserted “the Department of Finance and Administration, and any other entity that

establishes an emergency contact information system” and substituted “may” for “is authorized to”.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1307. [Repealed.]

Publisher’s Notes. This section, concerning the timing of implementation following funding of the Arkansas Emergency Contact Information System, was repealed by Acts 2017, No. 626, § 6, effective

January 29, 2018. The section was derived from Acts 2013, No. 590, § 1.

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1308. Voluntary participation.

(a) Participation in an emergency contact information system is voluntary.

(b) A person who holds a valid Arkansas driver’s license or identification card is eligible to participate in the system.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 7.

Amendments. The 2017 amendment substituted “an emergency contact infor-

mation system” for “the Arkansas Emergency Contact Information System” in (a).

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

27-16-1309. Responsibility for accuracy of information.

(a) Each participant has the exclusive responsibility for:

(1) Initiating, entering, modifying, and deleting emergency contact records in an emergency contact information system; and

(2) The accuracy and completeness of all information submitted.

(b) Emergency contact records shall otherwise not be modified and shall otherwise be deleted only when the driver’s license or identification record no longer exists in Arkansas.

(c) All requests to add, modify, or delete a record in the system are confidential and shall be governed by § 12-12-211.

History. Acts 2013, No. 590, § 1; 2017, No. 626, § 8.

Amendments. The 2017 amendment substituted “an emergency contact infor-

mation system" for "the Arkansas Emergency Contact Information System" in (a)(1).

Effective Dates. Acts 2017, No. 626, § 9: Jan. 29, 2018.

CHAPTER 18

DRIVER EDUCATION PROGRAM

SECTION.

27-18-101. Establishment.

27-18-111. Instruction on traffic stop safety.

27-18-101. Establishment.

(a)(1) The Arkansas State Police Commission is authorized to establish a program of driver education for training, retraining, and testing of motor vehicle drivers and applicants for motor vehicle driver's licenses.

(2) In connection therewith, the commission shall promulgate reasonable rules, not inconsistent with law, for furthering the driver education program as authorized by this chapter.

(b) The driver education program, as established by the commission, shall be made available primarily to the various high schools of the state for the purposes set out by this chapter and secondarily for adults and nonschool participants for the same purposes.

History. Acts 1965, No. 531, § 1; A.S.A. 1947, § 75-1901; Acts 2019, No. 315, § 3118.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (a)(2).

27-18-111. Instruction on traffic stop safety.

(a) The driver's instruction manual issued by the Division of Arkansas State Police and the examination for a driver's license shall include information related to traffic stop safety guidelines for drivers and passengers developed by the division.

(b) The division may determine the most effective means to disseminate information regarding traffic stop safety guidelines, including without limitation posting information on the website of the division.

History. Acts 2017, No. 490, § 3.

A.C.R.C. Notes. Acts 2017, No. 490, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Every traffic stop, even for the most common traffic violation, may potentially be dangerous for the driver, passenger, or law enforcement officer;

"(2) While law enforcement officers are thoroughly trained in traffic stop safety, drivers and passengers are often not; and

"(3) It is necessary to establish standard traffic stop safety guidelines for driv-

ers and passengers to help ensure the safety of drivers and passengers."

Acts 2017, No. 490, § 4, provided: "The traffic stop safety guidelines for drivers and passengers developed by the Department of Arkansas State Police are not required to be included in the driver's instruction manual and driver's license written test until the next time the department revises the driver's instruction manual and driver's license written test."

CHAPTER 19**MOTOR VEHICLE SAFETY RESPONSIBILITY ACT****SUBCHAPTER.**

1. GENERAL PROVISIONS.
2. DEFINITIONS.
4. ADMINISTRATION.
5. ACCIDENT REPORTS.
6. SECURITY FOLLOWING ACCIDENT.
7. PROOF OF FUTURE FINANCIAL RESPONSIBILITY.

SUBCHAPTER 1 — GENERAL PROVISIONS**SECTION.**

27-19-107. Self-insurers.

27-19-107. Self-insurers.

(a) A person or religious denomination may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Office of Motor Vehicle as described in subsection (b) of this section if:

(1) The person is someone in whose name more than twenty-five (25) vehicles are registered in this state or any political subdivision or municipality of this state, individually or collectively; or

(2) The religious denomination:

(A) Has more than twenty-five (25) members who own motor vehicles registered in this state and prohibits its members from purchasing insurance of any form as being contrary to its religious tenets; or

(B)(i) Shares liability among members for liability insurance purposes.

(ii) The religious denomination described in subdivision (a)(2)(B)(i) of this section is considered an insurer for motor vehicle liability insurance purposes.

(b)(1) The office may, in its discretion, upon the application of the religious denomination, person, political subdivision, or municipality, individually or collectively, issue a certificate of self-insurance when it is satisfied that the religious denomination, person, political subdivision, or municipality is possessed and will continue to be possessed of ability to pay judgments against them.

(2) The certificate may be issued authorizing a religious denomination, person, political subdivision, or municipality, individually or collectively, to act as a self-insurer for either property damage or bodily injury, or both.

(c)(1) Upon not less than five (5) days' notice and a hearing pursuant to the notice, the office may, upon reasonable grounds, cancel a certificate of self-insurance.

(2) Failure to pay any judgment within thirty (30) days after the judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

<p>History. Acts 1953, No. 347, § 88; A.S.A. 1947, § 75-1488; Acts 1987, No. 590, § 4; 1989, No. 189, § 1; 2021, No. 910, § 1.</p>	<p>Amendments. The 2021 amendment rewrote (a).</p>
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SUBCHAPTER 2 — DEFINITIONS

SECTION.
27-19-202. Commissioner.

<p>Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and</p>	<p>classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”</p>
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27-19-202. Commissioner.

“Commissioner” means the Secretary of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles of this state.

<p>History. Acts 1953, No. 347, § 3; A.S.A. 1947, § 75-1403; Acts 2019, No. 910, § 4684.</p>	<p>substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.</p>
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Amendments. The 2019 amendment

SUBCHAPTER 4 — ADMINISTRATION

SECTION.
27-19-401. Responsibility.
27-19-402. Rules.
27-19-403. Forms.
27-19-404. Procedure for suspension of license.

SECTION.
27-19-405. Requests of persons aggrieved.
27-19-408. Court review.

<p>Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that</p>	<p>these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Effi-</p>
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ciencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is

declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-19-401. Responsibility.

The Secretary of the Department of Finance and Administration shall administer and enforce the provisions of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 2019, No. 910, § 4685.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-19-402. Rules.

The Secretary of the Department of Finance and Administration may make rules necessary for the administration of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 2019, No. 315, § 3119; 2019, No. 910, § 4686.

Amendments. The 2019 amendment by No. 315 deleted "and regulations" following "rules" in the section heading and in the text.

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-19-403. Forms.

The Secretary of the Department of Finance and Administration shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 2019, No. 910, § 4687.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-19-404. Procedure for suspension of license.

No suspension provided for under any of the provisions of this chapter shall be issued by the Office of Driver Services until the following provisions of this section have been complied with:

(1) The Office of Driver Services shall incorporate in its notice of security requirement or suspension a warning that the licensee has the right to a hearing if he or she desires a hearing prior to the suspension of his or her license;

(2) The only subject to be considered at this hearing shall be whether or not there is a reasonable possibility that a judgment could be rendered against the licensee in a lawsuit arising out of the accident;

(3) A hearing officer appointed by the Secretary of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the secretary for the hearings. The hearing shall be in the office of the Revenue Division in the county of residence of the licensee unless the secretary and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call;

(4)(A) The licensee may, if he or she wishes, submit his or her cause to the Office of Driver Services for determination upon the investigating officer's report, thereby waiving a formal hearing.

(B) The determination shall have all of the force and effect of a formal hearing;

(5) Any licensee desiring a hearing under the provisions of this section shall notify the Department of Finance and Administration in writing within twenty (20) days of receipt of the notice of security requirement or suspension. Hearings conducted under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(6)(A) The licensee may request a hearing after the twenty-day period has passed.

(B) If the hearing is requested after the order of suspension has gone into effect, the request will not operate as a stay of the order of suspension which will remain in effect and be terminated only in the event a decision favorable to the licensee is rendered at the hearing.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 1987, No. 976, § 3; 2001, No. 1057, § 2; 2019, No. 910, § 4688.

in (3), substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" and "secretary" for "director" twice.

Amendments. The 2019 amendment,

27-19-405. Requests of persons aggrieved.

The Secretary of the Department of Finance and Administration shall receive and consider any pertinent information upon request of persons aggrieved by his or her orders or acts under any of the provisions of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 2019, No. 910, § 4689.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment

27-19-408. Court review.

(a) Any order or act of the Secretary of the Department of Finance and Administration under the provisions of this chapter shall be subject to a de novo petition of review in the circuit court of the district in which any party of interest resides.

(b) The filing of a petition of review shall not operate as an automatic stay of any order or act of the secretary.

(c) A determination shall be made by the circuit judge on the issue of whether a stay should be granted.

(d) The circuit judge is vested with the jurisdiction to determine whether the petitioner is entitled to a license or whether the act or order of the secretary should be affirmed, modified, or reversed.

History. Acts 1953, No. 347, § 16; 1975, No. 1007, § 1; A.S.A. 1947, § 75-1416; Acts 1987, No. 976, § 4; 2019, No. 910, §§ 4690, 4691.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b) and (d).

Amendments. The 2019 amendment

SUBCHAPTER 5 — ACCIDENT REPORTS

SECTION.

27-19-501. Report required.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-19-501. Report required.

The driver of a vehicle of a type subject to registration under the motor vehicle laws of this state that is in any manner involved in an accident within this state which accident has resulted in damage to the property of any one (1) person in excess of one thousand dollars (\$1,000) or in bodily injury to or in the death of any person shall report the accident to the Office of Driver Services within thirty (30) days after the accident on an electronic or paper form approved by the Secretary of the Department of Finance and Administration subject to the exemptions provided in §§ 27-19-509 and 27-19-604.

History. Acts 1953, No. 347, § 18; 1973, No. 334, § 1; 1975, No. 1007, § 2; A.S.A. 1947, § 75-1418; Acts 1991, No. 721, § 1; 2001, No. 1156, § 1; 2005, No. 199, § 1; 2019, No. 910, § 4692.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

27-19-503. Presumption of uninsured.

CASE NOTES

Construction.

Where an unidentified vehicle that left the scene caused plaintiff motorist to run off the road and wreck but did not have physical contact with plaintiff's vehicle, the circuit court correctly followed case law by rejecting plaintiff's argument that failure to comply with this section created a presumption that the unidentified ve-

hicle was uninsured for purposes of uninsured-vehicle insurance coverage, and the circuit court correctly declined to allow a jury to speculate that the other vehicle was uninsured merely because it left the scene. *Konecny v. Federated Rural Elec. Ins. Exch.*, 2019 Ark. App. 452, 588 S.W.3d 349 (2019).

SUBCHAPTER 6 — SECURITY FOLLOWING ACCIDENT

SECTION.

27-19-605. Requirements as to policy or bond.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-19-605. Requirements as to policy or bond.

(a) No policy or bond shall be effective under § 27-19-604 unless issued by an insurance company or surety company authorized to do business in this state except as provided in subsection (b) of this section, nor unless the policy or bond is subject, if the accident resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars (\$25,000) because of bodily injury or death of one (1) person in any one (1) accident and subject to said limit for one (1) person, to a limit of not less than fifty thousand dollars (\$50,000) because of bodily injury or death of two (2) or more persons in any one (1) accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(b) No policy or bond shall be effective under § 27-19-604 with respect to any vehicle which was not registered in this state or was a

vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the Secretary of the Department of Finance and Administration to accept service on its behalf of notice or process in any action upon the policy or bond arising out of an accident.

(c) The Office of Driver Services may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the office has reason to believe that the information is erroneous.

History. Acts 1953, No. 347, § 27; 1959, No. 307, § 18; 1981, No. 478, § 1; A.S.A. 1947, § 75-1427; Acts 1999, No. 1527, § 2; 2019, No. 910, § 4693.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b).

SUBCHAPTER 7 — PROOF OF FUTURE FINANCIAL RESPONSIBILITY

SECTION.

27-19-711. Proof to be furnished for each vehicle.

SECTION.

27-19-712. Certificate of insurance as proof.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-19-711. Proof to be furnished for each vehicle.

(a) No vehicle shall be, or continue to be, registered in the name of any person required to file proof of financial responsibility for the future unless proof is furnished for the vehicle.

(b) Proof of financial responsibility when required under this chapter, with respect to the vehicle or with respect to a person who is not the owner of the vehicle, may be given by filing:

(1) A certificate of insurance as provided in § 27-19-712; or

(2) A certificate of self-insurance, as provided in § 27-19-107, supplemented by an agreement by the self-insurer that, with respect to

accidents occurring while the certificate is in force, he or she will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.

History. Acts 1953, No. 347, §§ 61, 62; A.S.A. 1947, §§ 75-1461, 75-1462; Acts 2013, No. 1142, § 3; 2015, No. 1158, § 5.

27-19-712. Certificate of insurance as proof.

(a)(1) Proof of financial responsibility for the future may be furnished by filing with the Office of Driver Services the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility.

(2) The certificate shall give the effective date of the motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b)(1) A nonresident may give proof of financial responsibility by filing with the office a written certificate of an insurance carrier authorized to transact business in the state in which the vehicle owned by the nonresident is registered, or in the state in which the nonresident resides, if he or she does not own a vehicle, provided the certificate otherwise conforms with the provisions of this subchapter.

(2) The office shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(A) The insurance carrier shall execute a power of attorney authorizing the Secretary of the Department of Finance and Administration to accept on its behalf service of notice or process in any action arising out of a motor vehicle accident in this state; and

(B) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

(c) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any such undertakings or agreements, the office shall not thereafter accept as proof any certificate of the carrier, whether theretofore filed or thereafter tendered, as proof, so long as the default continues.

History. Acts 1953, No. 347, §§ 63-65; A.S.A. 1947, §§ 75-1463 — 75-1465; Acts 2019, No. 910, § 4694.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(2)(A).

CHAPTER 20

OPERATION OF MOTORIZED CYCLES AND ALL-TERRAIN VEHICLES

SUBCHAPTER.

1. MOTORCYCLES, MOTOR-DRIVEN CYCLES, AND MOTORIZED BICYCLES.
2. THREE-WHEELED, FOUR-WHEELED, AND SIX-WHEELED ALL-TERRAIN VEHICLES.
3. AUTOCYCLE ACT.

SUBCHAPTER 1 — MOTORCYCLES, MOTOR-DRIVEN CYCLES, AND MOTORIZED BICYCLES

SECTION.

- 27-20-101. Definitions.
- 27-20-105. Registration — Renewal periods.
- 27-20-107. Application for and issuance of motorcycle operator's license.
- 27-20-108. Operator's examination.
- 27-20-109. Operator instruction.

SECTION.

- 27-20-111. Operation of motorized bicycles regulated — Certify.
- 27-20-114. Rules.
- 27-20-119. [Repealed.]
- 27-20-120. Veterans of Foreign Wars motorcycle license plates — Definitions.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-20-101. Definitions.

As used in this subchapter:

- (1) "Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces more than two hundred fifty cubic centimeters (250 cc);
- (2) "Motor-driven cycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces two hundred fifty cubic centimeters (250 cc) or less, but this definition shall not include a motorized bicycle;

(3)(A) “Motorized bicycle” means a bicycle with an automatic transmission and a motor which does not displace in excess of fifty cubic centimeters (50 cc).

(B) “Motorized bicycle” does not include an electric bicycle as defined in § 27-51-1702; and

(4) “Street or highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

History. Acts 1959, No. 201, § 1; 1975, No. 206, § 1; 1977, No. 561, § 1; 1985, No. 972, § 1; A.S.A. 1947, § 75-1701; Acts 2005, No. 1942, § 1; 2017, No. 956, § 1.

Amendments. The 2017 amendment redesignated (3) as (3)(A), and added (3)(B); and substituted “a bicycle” for “every bicycle” in (3)(A).

27-20-105. Registration — Renewal periods.

(a) The Secretary of the Department of Finance and Administration shall establish a system for the registration of motorcycles and motor-driven cycles on a monthly series basis to distribute the work of registering motorcycles and motor-driven cycles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(b) When a person applies for the registration of a motorcycle or motor-driven cycle and the issuance of a permanent license plate, the decals issued by the secretary for attachment to the permanent license plate to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The secretary shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) The registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter.

History. Acts 1977, No. 797, § 1; A.S.A. 1947, § 75-1715; Acts 1989, No. 250, § 1; 1993, No. 135, § 1; 2019, No. 910, § 4695.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in (b) and (c).

27-20-107. Application for and issuance of motorcycle operator’s license.

(a) Any person desiring to obtain a motorcycle operator’s license shall make an application to the Office of Driver Services for the issuance of the license.

(b) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator’s license as required in this section shall be a certificate issued by the Division of Arkansas State Police that the applicant for a motorcycle operator’s license has satisfactorily passed all phases of the motorcycle operator’s examination as required in § 27-20-108, if the applicant is sixteen (16) years of age or older.

(c) The license issued by the office may be a license limiting the named licensee to motorcycles, motor-driven cycles, or similarly classified motor vehicles, or, in the case where an applicant is sixteen (16) years of age or older and holds a current valid Class A, Class B, Class C, or Class D license, the office may endorse that license as evidence of proper qualification for the license as provided for by this subchapter.

(d)(1)(A) A motorcycle operator's license shall be issued for a period of four (4) years, and the fee for the license shall be the same as provided in § 27-16-801.

(B) The office shall have the authority, by rule, to shorten or lengthen the term of any motorcycle operator's license period, as necessary, and to make a pro rata adjustment of the fee charged.

(2) No fee will be required if the application is submitted at the time the applicant's Class A, Class B, Class C, or Class D license is renewed and the applicant has complied with all other provisions of this subchapter.

History. Acts 1975, No. 176, § 2; 1975 (Extended Sess., 1976), No. 1236, § 2; 1985, No. 972, § 2; A.S.A. 1947, § 75-1711; reen. Acts 1987, No. 1019, § 2; Acts 1989, No. 193, § 8; 1993, No. 445, § 34; 2019, No. 315, § 3120.

Amendments. The 2019 amendment substituted "rule" for "regulation" in (d)(1)(B).

27-20-108. Operator's examination.

(a) The Division of Arkansas State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a motorcycle operator's license as required by this subchapter.

(b) The examination shall include:

(1) A written examination designed to determine the applicant's knowledge of traffic laws, ordinances, rules, and regulations and other matters necessary to determine the applicant's knowledge of the operation of these motor vehicles;

(2) A vision test under standards established in § 27-16-704 to determine whether the applicant's eyesight is adequate to safely operate the vehicle;

(3) An actual road test designed to determine the applicant's familiarity with the controls of the motor vehicle and the applicant's ability to safely operate the motor vehicle both in and out of traffic. However, the road test shall be waived for applicants who have successfully completed the Motorcycle Safety Foundation's motorcycle rider course, Riding and Street Skills, or any successor curriculum. In order to qualify for this waiver, the applicant must submit proof of the course completion dated within ninety (90) days prior to the date of license application; and

(4) Such other tests as the division may deem necessary to assure safe operations on the streets and highways of this state.

History. Acts 1975, No. 176, § 3; 1975 (Extended Sess., 1976), No. 1236, § 3; 1985, No. 972, § 2; A.S.A. 1947, § 75-1712; reen. Acts 1987, No. 1019, § 3; Acts

1989, No. 193, § 9; 2001, No. 908, § 1; **Amendments.** The 2019 amendment
 2019, No. 315, § 3121. inserted "rules" in (b)(1).

27-20-109. Operator instruction.

(a) The Division of Elementary and Secondary Education is authorized to prescribe and offer a course in motorcycle and motor-driven cycle operator instruction to be conducted as a part of the driver education program.

(b)(1) The course in motorcycle and motor-driven cycle operation may be conducted both at the elementary and high school levels.

(2) The course should include classroom instruction, actual operation of a motorcycle or motor-driven cycle, and other matters that the division may determine to be necessary to properly equip the student to safely operate a motorcycle.

History. Acts 1975, No. 176, § 4; 1975 substituted "Division of Elementary and
 (Extended Sess., 1976), No. 1236, § 4; Secondary Education" for "Department of
 A.S.A. 1947, § 75-1713; reen. Acts 1987, Education" in (a); and substituted "division"
 No. 1019, § 4; 2019, No. 910, § 2409. for "department" in (b)(2).

Amendments. The 2019 amendment

27-20-111. Operation of motorized bicycles regulated — Certificate.

(a) The operators of motorized bicycles shall be subject to all state and local traffic laws, ordinances, rules, and regulations.

(b) It shall be unlawful for any person to operate a motorized bicycle upon interstate highways, limited access highways, or sidewalks.

(c)(1)(A) It shall be unlawful for any person to operate a motorized bicycle upon a public street or highway within this state unless the person has a certificate to operate such a vehicle.

(B) Any person who has a motor-driven cycle license or motorcycle license or a Class A, Class B, Class C, or Class D license shall qualify to operate a motorized bicycle and is not required to obtain a certificate from the Division of Arkansas State Police for the operation of a motorized bicycle.

(2)(A)(i) All motorized bicycle certificates shall be issued by the division.

(ii) No certificate shall be issued to a person under fourteen (14) years of age.

(iii) A person under fourteen (14) years of age shall not operate a motorized bicycle within a municipality with a population of ten thousand (10,000) or more.

(B) Prior to being issued a certificate to operate a motorized bicycle, the applicant shall take and pass an examination pertaining to the rules of the road, a vision test, and a road test.

(C)(i) The division shall charge a fee of two dollars (\$2.00) for each certificate issued.

(ii) The proceeds from these fees shall be deposited into the State Treasury as special revenues and credited to the Division of Arkansas State Police Fund.

History. Acts 1977, No. 561, § 3; 1985, No. 972, § 4; A.S.A. 1947, §§ 75-1714, 75-1714.1; Acts 1987, No. 410, § 1; 1993, No. 445, § 35; 2011, No. 1221, § 1; 2019, No. 315, § 3122.

Amendments. The 2019 amendment inserted “rules” in (a).

27-20-114. Rules.

The Department of Finance and Administration is authorized to adopt such rules and practices not inconsistent with this subchapter as it deems necessary or appropriate to carry out the purposes of this subchapter.

History. Acts 1977, No. 797, § 3; A.S.A. 1947, § 75-1716; Acts 2019, No. 315, § 3123.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in the section heading and in the text.

27-20-119. [Repealed.]

Publisher’s Notes. This section, concerning autocycles, was repealed by Acts

2017, No. 689, § 1. The section was derived from Acts 2009, No. 636, § 2.

27-20-120. Veterans of Foreign Wars motorcycle license plates — Definitions.

(a) As used in this section:

(1) “Eligible applicant” means a person who establishes by membership card or Life Member card upon initial application that he or she is a member of the:

- (A) Veterans of Foreign Wars;
- (B) Ladies Auxiliary to the Veterans of Foreign Wars;
- (C) Men’s Auxiliary to the Veterans of Foreign Wars;
- (D) Auxiliary to the Veterans of Foreign Wars;
- (E) Junior Girls of the Ladies Auxiliary to the Veterans of Foreign Wars; or
- (F) Sons of the Veterans of Foreign Wars; and

(2) “Special motorcycle license plate” means a special license plate issued under this section for a motorcycle as defined under § 27-20-101.

(b) The Department of Finance and Administration is authorized to issue a special motorcycle license plate to an eligible applicant.

(c) The Department of Finance and Administration shall design the special license plate issued under this section in consultation with the Department of Arkansas Veterans of Foreign Wars.

(d)(1) An applicant who qualifies for a special motorcycle license plate under subdivision (a)(1)(A) of this section:

- (A) Shall pay:
 - (i) A fundraising fee of ten dollars (\$10.00) for the issuance and renewal of his or her first special motorcycle license plate; and

(ii) An annual fee not to exceed one dollar (\$1.00) that the Department of Finance and Administration may charge for the issuance and renewal of the first special license plate; and

(B) May obtain and renew additional special motorcycle license plates upon payment of a fundraising fee in the amount of ten dollars (\$10.00) and the fee for licensing a motorcycle under § 27-14-601.

(2) An applicant who qualifies for a special motorcycle license plate under subdivisions (a)(1)(B)-(F) of this section shall, for the issuance and renewal of any license plate issued under this subsection, pay:

(A) A fundraising fee of ten dollars (\$10.00); and

(B) The fee for licensing a motorcycle as provided in § 27-14-601.

(3) The fundraising fee of ten dollars (\$10.00) paid by any applicant on issuance or renewal of a special motorcycle license plate under this section shall be remitted monthly to the Nick Bacon VFW Special Veterans Scholarship Fund.

(e) The registration of a special motorcycle license plate under this section may continue from year to year if it is renewed each year within the time and manner required by law.

History. Acts 2013, No. 991, § 1; 2015, No. 698, § 1.

SUBCHAPTER 2 — THREE-WHEELED, FOUR-WHEELED, AND SIX-WHEELED ALL-TERRAIN VEHICLES

SECTION.

27-20-202. Registration required.

27-20-205. Certificate of title.

SECTION.

27-20-206. Numbered license decal.

27-20-208. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-20-202. Registration required.

(a) All owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that are not otherwise required to be registered by law shall register them with the Secretary of the Department of Finance and Administration within thirty (30) calendar days of acquiring them.

(b)(1) The owners shall offer proof of ownership satisfactory to the Department of Finance and Administration.

(2)(A)(i) If the person seeking to register the all-terrain vehicle cannot offer satisfactory proof of ownership, the department may register it if the person seeking registration posts a bond equal to at least one and one-half (1½) times the market value of the all-terrain vehicle.

(ii) The bond shall be a cash bond, a letter of credit, a surety bond issued by a fidelity or surety company authorized to do business in Arkansas, or a personal bond signed by at least two (2) property owners in this state.

(iii) The bond shall be for a period of three (3) years and made payable to the department to be used by the department to pay any valid claim arising from the disputed ownership of the all-terrain vehicle.

(B)(i) If the three-wheeled or four-wheeled all-terrain vehicle was manufactured on or before December 31, 1992, then proof of ownership shall not be required to obtain registration, and a statement of ownership shall be accepted as proof of ownership.

(ii) The statement of ownership may be prepared by the person and shall contain the following information:

(a) The person's name;

(b) A description of the vehicle;

(c) A statement that the vehicle was manufactured on or before December 31, 1992;

(d) A statement of ownership; and

(e) The person's signature.

(iii) The provisions of this subdivision (b)(2)(B) shall not apply to six-wheeled all-terrain vehicles.

(c) The cost of registration shall be five dollars (\$5.00).

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 1993, No. 1308, § 1; 2001, No. 462, § 2; 2003, No. 845, § 1; 2007, No. 305, § 3; 2019, No. 910, § 4696.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-20-205. Certificate of title.

(a) The Secretary of the Department of Finance and Administration shall issue a certificate of title to the owner of a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle that has been registered with the Department of Finance and Administration.

(b) The certificate shall identify the owner's name and address, the vehicle manufacturer, model, year, identification number, seller, date of sale, lienholder, and lienholder's address.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 6; 2019, No. 910, § 4697.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration” in (a).

27-20-206. Numbered license decal.

The Secretary of the Department of Finance and Administration shall furnish the owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that have been registered with the Department of Finance and Administration a numbered license decal that shall be attached to the left front side of the vehicle.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 7; 2019, No. 910, § 4698.

Amendments. The 2019 amendment

substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-20-208. Rules.

The Secretary of the Department of Finance and Administration may promulgate such rules as necessary to implement this subchapter.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2019, No. 315, § 3124; 2019, No. 910, § 4699.

Amendments. The 2019 amendment by No. 315 substituted “Rules” for “Regulations” in the section heading; and deleted “and regulations” following “rules” in the text.

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

SUBCHAPTER 3 — AUTOCYCLE ACT

SECTION.
27-20-301. Title.
27-20-303. Definition — Regulations.
27-20-306. Operation requirements —
Passengers.

SECTION.
27-20-307. Operation limitations.

27-20-301. Title.

This subchapter shall be known and may be cited as the “Autocycle Act”.

History. Acts 2009, No. 636, § 1; 2017, No. 689, § 2.

Amendments. The 2017 amendment

substituted ““Autocycle Act”” for “Electric Autocycle Act”.

27-20-303. Definition — Regulations.

- (a) As used in this subchapter, “autocycle” means a motorcycle as defined in § 27-49-114(9) that is equipped with:
- (1) Three (3) tires;
 - (2) A steering wheel;

(3) Seating that does not require the operator to straddle or sit astride the seat;

(4) Headlights as required under § 27-20-104(a)(1);

(5) Tail lamps as required under § 27-20-104(a)(3);

(6) Brakes as required under § 27-20-104(a)(4);

(7) A working horn as required under § 27-20-104(a)(5); and

(8) Signal lamps as provided under § 27-36-216.

(b) An autocycle that is operated by electricity shall not be required to have a muffler.

(c) An autocycle is a motor vehicle for the purposes of minimum insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(d) An autocycle is not an all-terrain vehicle under § 27-20-201 et seq. or § 27-21-101 et seq.

History. Acts 2009, No. 636, § 1; 2017, No. 689, § 3. rewrote the section heading and the section.

Amendments. The 2017 amendment

27-20-306. Operation requirements — Passengers.

(a)(1) If the operator of an autocycle is eighteen (18) years of age or older, the operator shall have a valid driver's license and shall not be required to have the motorcycle endorsement required under § 27-20-106.

(2)(A) If the operator of an autocycle is under eighteen (18) years of age, the operator shall have a valid instruction permit, learner's license, or intermediate license.

(B) An operator of an autocycle under eighteen (18) years of age shall comply with all requirements concerning the permit or license that he or she holds.

(b) The mandatory seat belt use under § 27-37-701 et seq. shall apply to the operator and all passengers in the autocycle.

(c) Unless an autocycle is equipped with a fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R. § 571.205(a), in effect on January 1, 2019, and mirrors that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019, the operator of or passenger in an autocycle shall comply with § 27-20-104(b) requiring:

(1) Protective headgear; and

(2) Protective glasses, goggles, or transparent face shields.

(d)(1) An operator of the autocycle shall have no more passengers than the number of seats provided by the manufacturer of the autocycle.

(2) The requirements of § 27-20-110 shall not apply to autocycles.

(e) A child may be a passenger in an autocycle if the autocycle is equipped with a fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R. § 571.205(a), in effect on January 1, 2019, and mirrors that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019.

(f) Section 27-20-118 shall apply to autocycles.

History. Acts 2009, No. 636, § 1; 2017, No. 689, § 4; 2019, No. 394, §§ 4, 5.

Amendments. The 2017 amendment rewrote (c); substituted “no more passengers than the number of seats provided by the manufacturer of the autocycle” for “not more than three (3) passengers in the autocycle” in (d)(1); rewrote (e); and added (f).

The 2019 amendment, in the introductory language of (c) and in (e), substituted

“safety glass” for “glass”, inserted “that complies with 49 C.F.R. § 571.205 and 49 C.F.R. § 571.205(a), in effect on January 1, 2019”, and substituted “that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019” for “that complies with § 27-37-301 et seq. [repealed] regarding safety glass and mirrors”; and made stylistic changes.

27-20-307. Operation limitations.

An autocycle that is operated by electricity shall not be operated on:

- (1) An interstate highway; or
- (2) A road or highway if:
 - (A) The operation of autocycles or motorcycles is prohibited;
 - (B) The road is a controlled-access highway;
 - (C) The posted speed limit is more than fifty-five miles per hour (55 m.p.h.); or
 - (D) The autocycle cannot maintain a speed equal to the posted speed limit.

History. Acts 2009, No. 636, § 1; 2017, No. 689, § 5.

Amendments. The 2017 amendment inserted “that is operated by electricity” in

the introductory language; rewrote former (a) as (1); rewrote former (b) as (2); and made stylistic changes.

CHAPTER 21

ALL-TERRAIN VEHICLES

SECTION.

- 27-21-102. Definitions.
- 27-21-105. Enforcement.
- 27-21-106. Operation on public streets and highways unlawful — Exceptions — Definition.

SECTION.

- 27-21-109. Defenses to prosecution — Definition.
- 27-21-110. Liability for all-terrain vehicle use on private property — Definitions.

Effective Dates. Identical Acts 2018 (2nd Ex. Sess.), Nos. 2 and 11, § 2: Mar. 19, 2018. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that Arkansas offers an abundance of all-terrain vehicle parks and trails which attract nationwide all-terrain vehicle tourism to the state; that riding all-terrain vehicles is one of the fastest growing recreational uses of the state’s national forests; that

there are small businesses that rely heavily on the all-terrain vehicle tourism generated by the state’s all-terrain vehicle parks and trails; and that the current restriction imposed by Acts 2017, No. 272, limiting the operation of an all-terrain vehicle upon a public street or highway is detrimental to the economic well-being of small businesses catering to all-terrain vehicle tourism and to the overall all-terrain vehicle tourism of the state.

Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new de-

partments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-21-102. Definitions.

As used in this chapter:

(1)(A) "All-terrain vehicle" means a vehicle that:

- (i) Has three (3), four (4), or six (6) wheels;
- (ii) Is fifty inches (50") or less in width;
- (iii) Is equipped with nonhighway tires;
- (iv) Is designed primarily for off-road recreational use; and
- (v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(B) "All-terrain vehicle" includes a recreational off-highway vehicle.

(C) "All-terrain vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor;

(2) "Nonhighway tire" means a pneumatic tire:

- (A) Six inches (6") or more in width;
- (B) Designed for use on a wheel with a rim diameter of fourteen inches (14") or less; and

(C) That uses an operating pressure of twenty pounds per square inch (20 psi) or less as recommended by the vehicle manufacturer;

(3) "Public streets and highways" means the part of the street, road, or highway, including the improved road shoulder, that is open to vehicular traffic and that is maintained by the state or by a political subdivision of the State of Arkansas and includes any federal highways; and

(4)(A) "Recreational off-highway vehicle" means a vehicle that:

- (i) Has four (4) or six (6) wheels;
- (ii) Is seventy-five inches (75") or less in width;
- (iii) Is equipped with nonhighway tires;
- (iv) Is designed primarily for off-road recreational use; and
- (v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(B) "Recreational off-highway vehicle" includes a:

- (i) Multipurpose off-highway utility vehicle; and
- (ii) Utility task vehicle.

(C) "Recreational off-highway vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor.

History. Acts 1987, No. 804, § 2; 2007, No. 305, § 9; 2011, No. 583, § 1; 2017, No. 272, § 1.

Amendments. The 2017 amendment inserted (4)(B); and redesignated former (4)(B) as (4)(C).

27-21-105. Enforcement.

The officers and employees of the Department of Agriculture shall have no authority to enforce the provisions of this chapter.

History. Acts 1987, No. 804, § 6; 2015, No. 724, § 1; 2019, No. 910, § 125.

substituted "Department of Agriculture" for "Arkansas Forestry Commission".

Amendments. The 2019 amendment

27-21-106. Operation on public streets and highways unlawful — Exceptions — Definition.

(a) It is unlawful for a person to operate an all-terrain vehicle on a public street or highway of this state, even if the all-terrain vehicle otherwise meets the equipment standards of § 27-20-104, except under the following conditions and circumstances:

(1) A person may operate an all-terrain vehicle on a public street or highway if the all-terrain vehicle is:

(A) Used in farming or hunting operations; and

(B) Operated on a public street or highway in order to get from one field to another;

(2)(A) An all-terrain vehicle may be operated on a public street or highway if:

(i) The all-terrain vehicle needs to make a direct crossing of the street or highway to get from one area to another; and

(ii) The all-terrain vehicle:

(a) Comes to a complete stop before making the direct crossing;

(b) Yields the right-of-way to all oncoming traffic that constitutes an immediate hazard; and

(c) Crosses the street or highway at an angle of approximately ninety degrees (90°) to the direction of the street or highway.

(B)(i) An all-terrain vehicle may cross a divided highway only at an intersection of the highway with another public street or highway.

(ii) In crossings made between the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise or in conditions of reduced visibility, the crossing may be made only with both front and rear lights turned on;

(3)(A) A person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking disability is permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as a means of transportation on any of the following:

- (i) A nonhard-surfaced road;
- (ii) The shoulder of a state or federal highway, except as provided under subdivision (a)(3)(E) of this section; or
- (iii) A public street or road when traveling on the public street or road is the most reasonable route of access available to him or her from one off-road trail to another off-road trail or from his or her private property to an off-road trail.

(B) An all-terrain vehicle used as provided under subdivision (a)(3)(A) of this section by a person who has a serious walking disability shall be equipped with a red flag at least six inches (6") wide and twelve inches (12") long on a pole or staff extending at least thirty-six inches (36") above the level of the seat.

(C) For the purposes of this subdivision (a)(3), "serious walking disability" means any walking disability certified as serious by a licensed physician.

(D) A person operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of this section shall carry on his or her person or on the all-terrain vehicle the physician's certificate certifying that the person has a serious walking disability.

(E) A person operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of this section shall not operate the all-terrain vehicle on any part of the interstate highway system or on a fully controlled access highway;

(4)(A) An on-duty law enforcement officer or a person performing an official law enforcement function may operate an all-terrain vehicle on a public street or highway.

(B) A municipal on-duty firefighter or a person performing an official firefighting function may operate an all-terrain vehicle on a public street or highway.

(C) An on-duty emergency medical technician or a person performing an official emergency medical technician function may operate an all-terrain vehicle on a public street or highway;

(5) An employee of a utility, telecommunications, or cable company working during a time of emergency or severe weather may operate an all-terrain vehicle on a public street or highway; and

(6) An employee of the Department of Parks, Heritage, and Tourism may operate a department-owned all-terrain vehicle on a public street or highway to access contiguous areas of a state park in order to perform his or her duties as an employee of the department.

(b) When two (2) or more all-terrain vehicles are operating together on a public street or highway as permitted under this chapter, each all-terrain vehicle shall operate in single file except while overtaking another all-terrain vehicle. The operator of an all-terrain vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. This subsection shall not prohibit an operator of an all-terrain vehicle from overtaking and passing upon the right another vehicle that is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.

History. Acts 1987, No. 804, § 3; 1987, No. 1029, §§ 1, 2; 2007, No. 305, § 10; 2009, No. 701, § 1; 2011, No. 13, § 1; 2011, No. 704, § 1; 2013, No. 69, § 1; 2019, No. 1048, § 1.

Amendments. The 2019 amendment added (a)(6).

27-21-109. Defenses to prosecution — Definition.

(a) It is not a defense to a prosecution under this chapter that the driver or operator possesses a valid driver's license or motorcycle operator's license.

(b) It is a defense to prosecution under § 27-21-106 for a violation of operating an all-terrain vehicle upon a public street or highway if the all-terrain vehicle operator can show by a preponderance of the evidence that:

(1) The public street or highway was outside the city limits of any municipality or incorporated town in Arkansas;

(2) The public street or highway was not an interstate highway;

(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from:

(A) One off-road trail to another off-road trail; or

(B) His or her private property to an off-road trail; and

(4) His or her purpose for riding on the public street or highway was to get from:

(A) One off-road trail to another off-road trail; or

(B) His or her private property to an off-road trail.

(c) As used in this section, "his or her private property" means real property that an operator of an all-terrain vehicle:

(1) Owns;

(2) Leases;

(3) Resides at with the owner or lessee of the real property; or

(4) Is staying at for a specific period of time as an invitee, including without limitation a:

(A) Vacation resort;

(B) Rental cabin;

(C) Deeded timeshare; or

(D) Right-to-use timeshare.

History. Acts 1987, No. 804, § 4; 2003, No. 543, § 1; 2017, No. 272, §§ 2, 3; 2018 (2nd Ex. Sess.), No. 2, § 1; 2018 (2nd Ex. Sess.), No. 11, § 1.

Amendments. The 2017 amendment rewrote (b)(3) and (b)(4); and added (c) and (d).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 2 and 11 deleted "Definition" from the end of the section heading; substituted "not a" for "no" in (a); in

(b), substituted "is" for "shall be" and "a public street or highway" for "the public streets or highways"; in (b)(3)(A), substituted "One" for "The" and deleted "where he or she parked the motor vehicle used to transport the all-terrain vehicle" following the first occurrence of "trail"; deleted "or to a tract of land that is private property" following "trail" in (b)(3)(B); rewrote (b)(4); and deleted (d).

27-21-110. Liability for all-terrain vehicle use on private property — Definitions.

(a) As used in this section:

(1) "All-terrain vehicle use" means riding an all-terrain vehicle on a road, trail, path, or other surface on private property;

(2) "Inherent risk of all-terrain vehicle use" means the dangers or conditions that are an integral part of all-terrain vehicle use on roads, trails, paths, or other surfaces, including without limitation:

(A) Injury or death caused by:

(i) A change or variation in the surface that may cause a participant to lose control, lose his or her balance, or crash the all-terrain vehicle; or

(ii) A collision with a natural or man-made object;

(B) Operator error, including equipment failure due to operator error;

(C) Attack or injury by an animal; and

(D) The aggravation of an injury, illness, or condition because the injury, illness, or condition occurred in a remote place where medical facilities are not available;

(3) "Owner of private property" means an individual, group, club, partnership, corporation, or business entity, whether or not operating for profit, or an employee or organized agent, that sponsors, organizes, rents, or provides to a participant the use of private property for all-terrain vehicle use; and

(4) "Participant" means an individual who rents, leases, or uses an all-terrain vehicle on private property whether or not a fee is paid.

(b)(1)(A) A participant assumes the inherent risk of all-terrain vehicle use by engaging in all-terrain vehicle use on private property.

(B) A participant or his or her representative shall not have a claim against, maintain an action against, or recover from an owner of private property for loss, damage, or injury to, or the death of, the participant resulting from the inherent risk of all-terrain vehicle use.

(2) An owner of private property is not liable for an injury to or the death of a participant resulting from the inherent risk of all-terrain vehicle use.

(c) This section does not:

(1) Apply to a relationship between an employer and employee under the Workers' Compensation Law, § 11-9-101 et seq.; or

(2) Prevent or limit the liability of an owner of private property that:

(A) Intentionally injures a participant;

(B) Commits an act or omission of gross negligence concerning the safety of a participant that proximately causes injury to or the death of the participant;

(C) Provides an unsafe all-terrain vehicle to a participant and knew or should have known that the all-terrain vehicle was unsafe to the extent that it could cause an injury;

(D) Fails to use the degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or

(E) Commits other acts, errors, or omissions that constitute willful or wanton misconduct, gross negligence, or criminal conduct that proximately causes injury, damage, or death.

History. Acts 2019, No. 794, § 1.

CHAPTER 22

MOTOR VEHICLE LIABILITY INSURANCE

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS ONLINE INSURANCE VERIFICATION SYSTEM ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 27-22-103. Penalty. [Effective until contingency in Acts 2019, No. 869, § 24 is met.]
- 27-22-103. Penalty. [Effective when contingency in Acts 2019, No. 869, § 24 is met.]
- 27-22-104. Insurance required — Minimum coverage — Definitions.

SECTION.

- 27-22-107. Motor vehicle insurance reporting.
- 27-22-111. Fine for failure to present proof of insurance at time of traffic stop.

Effective Dates. Acts 2019, No. 869, § 24. Contingent effective date clause provided: “Section 2 and Section 5 of this act are effective on and after the date the Director of the Department of Finance and Administration and the advisory group established under § 27-22-203: (1) Determine that the online insurance verification system established under the Arkansas Online Insurance Verification System Act, § 27-22-201 et seq. is fully operational; and (2) Notify the Legislative Council and the Director of the Bureau of Legislative Research that the first fifteen dollars (\$15.00) of a fine assessed under § 27-22-103(a) or § 27-22-103(b) may be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-22-103. Penalty. [Effective until contingency in Acts 2019, No. 869, § 24 is met.]

(a) Except as provided in subsection (b) of this section, any person who operates a motor vehicle within this state shall be subject to a mandatory fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) unless both the vehicle and the person's operation of the vehicle are covered by a certificate of self-insurance or an insurance policy as required under § 27-22-104(a)(1).

(b)(1) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the second offense, and the minimum fine shall be mandatory.

(2) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or sentenced to one (1) year in jail, or both, for the third offense or for any subsequent offenses.

(3) Upon a showing that liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of arrest, the judge may dismiss the charge imposed under this act, and the penalties therefore shall not be imposed.

(4)(A)(i) If the person is unable to establish that liability coverage required by §§ 27-22-101 — 27-22-104 is in effect at the time of the disposition of the charge, the judge or clerk of the court shall prepare and transmit to the Office of Motor Vehicle an order suspending the registration of the motor vehicle involved in the violation until such time as the person presents proof of coverage to the Office of Motor Vehicle.

(ii) The order shall include:

- (a) The name and address of the person charged;
- (b) The driver's license number, if any, of the person charged;
- (c) The vehicle identification number or license plate number of the motor vehicle involved;
- (d) The date of the hearing;
- (e) The judgment of the court; and
- (f) The amount of the fine.

(iii) The judge or clerk of the court shall prepare and transmit an order under subdivision (b)(4)(A)(i) of this section within five (5) business days after the plea or judgment is entered.

(B)(i) In order to reinstate the suspended registration for any suspended motor vehicle, the owner shall present proof of the requisite liability coverage to the Office of Motor Vehicle and shall pay to the Office of Motor Vehicle a fee of twenty dollars (\$20.00) for reinstatement of the registration.

(ii) The revenues derived from this reinstatement fee shall be deposited as a special revenue into the State Central Services Fund and credited as a direct revenue to be used by the Office of Motor Vehicle to offset the costs of administering this section.

(iii) This fee shall be in addition to any other fines, fees, or other penalties for other violations of this subchapter.

(c) If the arresting officer is:

(1) An officer of the Division of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit into the Division of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles;

(2) A county law enforcement officer, the fine collected shall be deposited into that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes; or

(3) A municipal law enforcement officer, the fine collected shall be deposited into that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

History. Acts 1987, No. 442, § 2; 1987, No. 474, § 1; 1989, No. 801, § 1; 1991, No. 988, §§ 3, 5; 1997, No. 991, § 1; 2001, No. 1408, § 3; 2003, No. 1765, § 34; 2007, No. 485, §§ 2, 9; 2011, No. 1046, § 1; 2019, No. 869, § 4.

Publisher's Notes. For text of section effective when the contingency is met, see the following version.

Amendments. The 2019 amendment substituted "one hundred dollars (\$100)" for "fifty dollars (\$50.00)" in (a).

27-22-103. Penalty. [Effective when contingency in Acts 2019, No. 869, § 24 is met.]

(a) Except as provided in subsection (b) of this section, any person who operates a motor vehicle within this state shall be subject to a mandatory fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) unless both the vehicle and the person's operation of the vehicle are covered by a certificate of self-insurance or an insurance policy as required under § 27-22-104(a)(1).

(b)(1) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the second offense, and the minimum fine shall be mandatory.

(2) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or sentenced to one (1) year in jail, or both, for the third offense or for any subsequent offenses.

(3) Upon a showing that liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of arrest, the judge may dismiss

the charge imposed under this act, and the penalties therefore shall not be imposed.

(4)(A)(i) If the person is unable to establish that liability coverage required by §§ 27-22-101 — 27-22-104 is in effect at the time of the disposition of the charge, the judge or clerk of the court shall prepare and transmit to the Office of Motor Vehicle an order suspending the registration of the motor vehicle involved in the violation until such time as the person presents proof of coverage to the Office of Motor Vehicle.

(ii) The order shall include:

- (a) The name and address of the person charged;
- (b) The driver's license number, if any, of the person charged;
- (c) The vehicle identification number or license plate number of the motor vehicle involved;
- (d) The date of the hearing;
- (e) The judgment of the court; and
- (f) The amount of the fine.

(iii) The judge or clerk of the court shall prepare and transmit an order under subdivision (b)(4)(A)(i) of this section within five (5) business days after the plea or judgment is entered.

(B)(i) In order to reinstate the suspended registration for any suspended motor vehicle, the owner shall present proof of the requisite liability coverage to the Office of Motor Vehicle and shall pay to the Office of Motor Vehicle a fee of twenty dollars (\$20.00) for reinstatement of the registration.

(ii) The revenues derived from this reinstatement fee shall be deposited as a special revenue into the State Central Services Fund and credited as a direct revenue to be used by the Office of Motor Vehicle to offset the costs of administering this section.

(iii) This fee shall be in addition to any other fines, fees, or other penalties for other violations of this subchapter.

(c)(1) The first fifteen dollars (\$15.00) of a fine assessed under subsection (a) or subsection (b) of this section shall be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund.

(2) The Treasurer of State shall transfer the funds received under subdivision (c)(1) of this section to the Arkansas Citizens First Responder Safety Enhancement Fund by the end of each month.

(d) If the arresting officer is:

(1) An officer of the Division of Arkansas State Police, the remainder of the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by the Office of Administrative Services of the Department of Finance and Administration, for deposit into the Division of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles;

(2) A county law enforcement officer, the remainder of the fine collected shall be deposited into that county fund used for the purchase

and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes; or

(3) A municipal law enforcement officer, the remainder of the fine collected shall be deposited into that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

History. Acts 1987, No. 442, § 2; 1987, No. 474, § 1; 1989, No. 801, § 1; 1991, No. 988, §§ 3, 5; 1997, No. 991, § 1; 2001, No. 1408, § 3; 2003, No. 1765, § 34; 2007, No. 485, §§ 2, 9; 2011, No. 1046, § 1; 2019, No. 869, §§ 4, 5.

Publisher's Notes. For text of section effective until the contingency is met, see the preceding version.

Amendments. The 2019 amendment substituted "one hundred dollars (\$100)" for "fifty dollars (\$50.00)" in (a); inserted (c); redesignated former (c) as (d); inserted "remainder of the" in (d)(1) through (d)(3); and substituted "the Office of Administrative Services" for "that office" following "provided by" in (d)(1).

Effective Dates. Acts 2019, No. 869,

§ 24. Contingent effective date clause provided: "Section 2 and Section 5 of this act are effective on and after the date the Director of the Department of Finance and Administration and the advisory group established under § 27-22-203: (1) Determine that the online insurance verification system established under the Arkansas Online Insurance Verification System Act, § 27-22-201 et seq. is fully operational; and (2) Notify the Legislative Council and the Director of the Bureau of Legislative Research that the first fifteen dollars (\$15.00) of a fine assessed under § 27-22-103(a) or § 27-22-103(b) may be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund."

27-22-104. Insurance required — Minimum coverage — Definitions.

(a)(1) It is unlawful for a person to operate a motor vehicle within this state unless the motor vehicle and the person's operation of the motor vehicle are each covered by:

(A) A certificate of self-insurance under § 27-19-107; or

(B) An insurance policy issued by an insurance company authorized to do business in this state.

(2)(A) There is a rebuttable presumption that the motor vehicle or its operation is uninsured if:

(i) The driver or the insured fails to present proof of current insurance coverage in the form of a proof-of-insurance card issued under § 23-89-213 at the time of the traffic stop or arrest; or

(ii) The online insurance verification system fails to show current insurance coverage for the driver or the insured.

(B)(i)(a) A proof-of-insurance card or any temporary proof of insurance issued by the insurance company that meets the requirements of § 23-89-213 may be presented in either paper form or electronic form.

(b) As used in subdivision (a)(2)(B)(i)(a) of this section, "electronic form" means the display of electronic images on a cellular phone or

any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required under § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

(ii) The presentment of proof of insurance in electronic form does not:

(a) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(b) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

(b) The policy shall provide at a minimum the following coverage:

(1) Not less than twenty-five thousand dollars (\$25,000) for bodily injury or death of one (1) person in any one (1) accident;

(2) Not less than fifty thousand dollars (\$50,000) for bodily injury or death of two (2) or more persons in any one (1) accident; and

(3) If the accident results in damage to or destruction of property, not less than twenty-five thousand dollars (\$25,000) for the damage to or destruction of property of others in any one (1) accident.

(c)(1) For purposes of this subsection, "operating motor vehicle" means a motor vehicle that is actually driven out of the government-owned and government-operated storage facility under its own power.

(2) A government-owned and government-operated storage facility for motor vehicles may refuse to release an operating motor vehicle from the storage facility if the owner of the motor vehicle cannot establish that the motor vehicle is covered by insurance as required under this section.

(3) The following are exempt from the requirements of this subsection:

(A) A motor vehicle that is considered salvage;

(B) A motor vehicle when an insurer holds the title to the motor vehicle; and

(C) A motor vehicle that is not driven out of the government-owned and government-operated storage facility under its own power.

History. Acts 1987, No. 442, § 1; 1987, No. 474, § 1; 1991, No. 988, § 4; 1993, No. 357, § 1; 1997, No. 991, § 2; 1999, No. 1527, § 6; 2005, No. 2246, § 1; 2007, No. 485, §§ 3-5, 9; 2009, No. 313, § 1; 2011,

No. 1046, § 2; 2013, No. 175, § 2; 2019, No. 869, § 6.

Amendments. The 2019 amendment rewrote (a)(2)(A).

CASE NOTES

ANALYSIS

Failure to Present Proof of Insurance.
Probable Cause of Traffic Violation.

Failure to Present Proof of Insurance.

Circuit court properly denied defendant's motion to dismiss the charge of inadequate insurance during an accident, where the document he provided at the scene of the accident did not reflect coverage on the day of the collision, and the testimony established that defendant's policy had not been renewed by the date of the collision. *Gill v. State*, 2015 Ark. 421, 474 S.W.3d 77 (2015).

Probable Cause of Traffic Violation.

Lack of insurance information in the Vehicle Insurance Database was sufficient to provide the officer with probable cause to believe that a traffic violation had occurred, and it was irrelevant that defendant may have subsequently produced documents showing that he had insur-

ance. The search of defendant's vehicle did not exceed the scope of the valid traffic stop, because the officer learned that defendant had a suspended driver's license and an active warrant for his arrest when the officer checked defendant's information as part of the traffic stop. *Small v. State*, 2018 Ark. App. 80, 543 S.W.3d 516 (2018).

Circuit court did not err in denying defendant's motion to suppress, as (1) the initial traffic stop, which occurred after the officer ran defendant's tags through the Vehicle Insurance Database, was not invalid because the lack of insurance information in the database was sufficient to provide the officer with probable cause to believe that a traffic violation had occurred; and (2) the purpose of the stop had not concluded by the time the officer deployed the drug dog since defendant had not produced his insurance paperwork and the encounter lasted less than eight minutes. *Cagle v. State*, 2019 Ark. App. 69, 571 S.W.3d 47 (2019).

27-22-105. Inadequate insurance in an accident — Penalty.

CASE NOTES

Evidence Sufficient to Sustain Conviction.

Circuit court properly denied defendant's motion to dismiss the charge of inadequate insurance during an accident, where the document he provided at the

scene of the accident did not reflect coverage on the day of the collision, and the testimony established that defendant's policy had not been renewed by the date of the collision. *Gill v. State*, 2015 Ark. 421, 474 S.W.3d 77 (2015).

27-22-107. Motor vehicle insurance reporting.

(a)(1) Each insurance company providing motor vehicle liability insurance coverage required under § 27-22-104(a), shall provide before the seventh day of each calendar month to the Revenue Division of the Department of Finance and Administration a record of each motor vehicle insurance policy in effect as of the previous month that was issued by the insurance company. The reports shall be provided to the division through any means of electronic or electromagnetic medium available to and approved by the Department of Finance and Administration, unless the insurance company qualifies for an exception to this electronics reporting requirement as a result of being a small or low-volume insurer as may otherwise be provided for under rules promulgated by the department.

(2)(A)(i) The Secretary of the Department of Finance and Administration may choose a vendor to provide an online insurance verification system which will comply with the industry standards as recommended by the Insurance Industry Committee on Motor Vehicle Administration when there are two (2) or more vendors that demonstrate to the department the ability to meet the Insurance Industry Committee on Motor Vehicle Administration standard.

(ii) The department shall notify each insurance company in writing of the chosen vendor. If the insurance company elects to participate in the online insurance verification system that complies with the industry standards, the company may then work with the vendor and the department on an agreeable schedule to convert to the new system.

(iii) If an insurance company elects to participate in the online insurance verification system, then the insurance company will be exempt from providing the report before the seventh day of each calendar month as the department and law enforcement will be able to obtain data online in real time.

(B) If the secretary certifies that seventy percent (70%) or more of the motor vehicle insurance policies in effect on a specific date are being accessed according to the industry standards in the online insurance verification system, each insurance company shall provide access to the data through the online insurance verification system.

(C) At the discretion of the department, rules may be established to offer insurers who write fewer policies an alternative method for reporting insurance policy data.

(D) The department shall select a vendor under the Arkansas Procurement Law, § 19-11-201 et seq.

(b)(1) The reports shall include:

(A) The name and the address of the named insured;

(B) The make, year, and vehicle identification number of each insured vehicle; and

(C) The policy number, effective date, and expiration date of each policy and the National Association of Insurance Commissioners company code number.

(2) The reports may include:

(A) The date of birth of each insured owner or operator; and

(B) The driver's license number of each insured owner or operator.

(c) The department may, following procedures set forth in rules promulgated by the department, assess a penalty against each insurance company of up to two hundred fifty dollars (\$250) for each day the insurance company fails to comply with this section. If an insurance company shows that the failure to comply with this section was inadvertent, accidental, outside of the control of the company, or the result of excusable neglect, the secretary may excuse the penalty. The moneys collected from these penalties shall be deposited as a special revenue into the State Central Services Fund, and the net amount shall be credited as a direct revenue to be used by the department to offset the costs of administering this section.

(d) The department shall promulgate necessary rules for the administration of this section.

History. Acts 1997, No. 991, § 4; 2007, No. 485, §§ 8, 9; 2009, No. 476, § 2; 2019, No. 315, §§ 3125-3127; 2019, No. 869, § 7; 2019, No. 910, §§ 4700-4702.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (a)(1) and (c); and deleted “and regulations” following “rules” in (a)(2)(C) and (d).

The 2019 amendment by No. 869 substituted “and the National Association of Insurance Commissioners company code

number” for “National Association of Insurance Carriers code number, and the name of each driver excluded from coverage” in (b)(1)(C).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(2)(A) and the second sentence of (c); substituted “secretary” for “director” in (a)(2)(B); and made a stylistic change.

27-22-111. Fine for failure to present proof of insurance at time of traffic stop.

(a) After a traffic stop has been completed, if an operator of a motor vehicle proves that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished by a fine of twenty-five dollars (\$25.00).

(b) Court costs under § 16-10-305 shall be assessed, but other costs or fees shall not be assessed under this section.

(c) The fines collected under this section shall be distributed as follows:

(1) Eighty percent (80%) shall be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund by the tenth day of each month; and

(2) Twenty percent (20%) shall be retained by the court that tries the offense.

(d) If an operator of a motor vehicle is unable to prove that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished as provided under § 27-22-103.

History. Acts 2011, No. 1046, § 3; 2013, No. 282, § 15; 2019, No. 869, § 8. inserted “by the tenth day of each month” in (c)(1).

Amendments. The 2019 amendment

SUBCHAPTER 2 — ARKANSAS ONLINE INSURANCE VERIFICATION SYSTEM ACT

SECTION.

27-22-201. Title.

27-22-202. Definitions.

27-22-203. Online insurance verification system.

27-22-204. Functions of online insurance verification system.

SECTION.

27-22-205. Responsibilities of insurer.

27-22-206. Responsibilities of department.

27-22-207. Exemptions.

27-22-208. Reporting violations.

27-22-209. Suspension of registration.

SECTION.

27-22-210. Penalties — Definitions.

27-22-211. Registration and licensing —
Definition.

SECTION.

27-22-212. Reporting of violation.

A.C.R.C. Notes. Acts 2019, No. 869, § 22, provided: “The Department of Finance and Administration shall implement the terms of the online insurance verification system established under the Arkansas Online Insurance Verification System Act, § 27-22-201 et seq., by January 1, 2020.”

Acts 2019, No. 869, § 23, provided: “Until the online insurance verification sys-

tem goes into effect on January 1, 2020, an insurer required to submit motor vehicle insurance information under the Arkansas Online Insurance Verification System Act, § 27-22-201 et seq., shall continue to submit the required information as presently required by the Department of Finance and Administration.”

Effective Dates. Acts 2017, No. 1016, § 3: Jan. 1, 2019.

27-22-201. Title.

This subchapter shall be known and may be cited as the “Arkansas Online Insurance Verification System Act”.

History. Acts 2017, No. 1016, § 2.

27-22-202. Definitions.

As used in this subchapter:

(1) “Certificate of Insurance” means a document issued by an insurer or its authorized representative showing that a specific vehicle is insured as required under § 27-22-104;

(2) “Commercial automobile liability insurance policy” means an insurance policy:

(A) That is written on either a commercial coverage or other commercially rated personal policy form, including without limitation a commercial auto, garage, or truckers form, and that is not dependent on the type, number, or ownership of vehicle or entity covered or insured; and

(B) That insures vehicles not identified individually by a vehicle identification number on the policy;

(3) “Dealer” means a person dealing in buying, selling, exchanging, advertising, or negotiating the sale of motor vehicles and licensed under §§ 27-14-104 and 27-14-601; and

(4) “Insurer” means a motor vehicle insurance company licensed or authorized to do business in this state.

History. Acts 2017, No. 1016, § 2; 2019, No. 869, § 9.

Amendments. The 2019 amendment deleted “is” preceding “is not” in (2)(A).

27-22-203. Online insurance verification system.

(a) The Department of Finance and Administration shall establish an advisory group consisting of representatives of the State Insurance Department, insurance companies, the Division of Arkansas State Police, and other agencies or entities to:

(1) Facilitate the implementation of the online insurance verification system;

(2) Develop a guide for insurers providing data and other information necessary for compliance along with other necessary rules;

(3) Coordinate and conduct a testing phase;

(4) Identify necessary changes during the testing phase; and

(5) Issue recommendations based on periodic reviews of the online insurance verification system.

(b) The Department of Finance and Administration shall:

(1) Cooperate with insurers in implementing the online insurance verification system;

(2) Establish the online insurance verification system framework necessary to assist insurers using multiple keys for greater matching accuracy, including without limitation:

(A) National Association of Insurance Commissioners company code numbers;

(B) Vehicle identification numbers;

(C) Policy numbers; and

(D) Other key or keys specified by the advisory group; and

(3) Be responsible for keeping the advisory group informed on implementation status.

(c) Each insurer shall cooperate with the Department of Finance and Administration in establishing the online insurance verification system.

History. Acts 2017, No. 1016, § 2; 2019, No. 315, § 312; 2019, No. 869, § 10.

The 2019 amendment by No. 869 substituted “company code” for “insurer” in (b)(2)(A); and substituted “Vehicle” for “Motor vehicle” in (b)(2)(B).

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (a)(2).

27-22-204. Functions of online insurance verification system.

The online insurance verification system shall:

(1) Be accessible to:

(A) Authorized personnel of the Department of Finance and Administration by direct inquiry;

(B) The courts, insurers, law enforcement, and offices of the licensing officials charged with motor vehicle registration and titling responsibilities through authorized personnel of the department; and

(C) Insurance companies on a limited basis as required to operate the online insurance verification system;

(2)(A) Have the ability to verify, on a twenty-four-hours-per-day, seven-days-per-week basis, minus permitted down time for system maintenance as prescribed by the advisory group established under

§ 27-22-203, the insurance status of a motor vehicle via the internet, or similar electronic system consistent with the insurance industry and Insurance Industry Committee on Motor Vehicle Administration recommendations and the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration model updated January 3, 2017, or later models as recommended by the advisory group and adopted by the department.

(B) The online insurance verification system shall include any additional features required by Arkansas law which may not be included in the Insurance Industry Committee on Motor Vehicle Administration model;

(3) Be able to access insurers by using multiple keys for greater matching accuracy, including without limitation:

(A) The National Association of Insurance Commissioners company code number assigned by the National Association of Insurance Commissioners;

(B) The vehicle identification number;

(C) The policy number; and

(D) Other key or keys specified by the advisory group;

(4) Provide data security for the type of information transferred as prescribed by the advisory group; and

(5) Utilize open and agreed-upon data and data transmission standards and standard schema as specified by the advisory group.

History. Acts 2017, No. 1016, § 2; in (3)(A); substituted "vehicle identification" for "motor vehicle identification" in 2019, No. 869, §§ 11, 12.

Amendments. The 2019 amendment substituted "company code" for "insurer" (3)(B); and substituted "agreed-upon" for "agreed to" in (5).

27-22-205. Responsibilities of insurer.

(a) An insurer shall:

(1) Operate the online insurance verification system in cooperation with the Department of Finance and Administration;

(2) Maintain the data necessary to verify insurance status through the online insurance verification system for a period to be specified by the advisory group established under § 27-22-203, allowing for the printing of renewal notices, online multiyear renewals, and renewals at all state revenue offices;

(3) Maintain the web service as required under the online insurance verification system and as specified by the advisory group;

(4) Provide data security for the type of information transferred, as required by the advisory group, that does not violate state or federal privacy laws;

(5) Be immune from civil and administrative liability for good faith efforts to comply with the terms of this subchapter;

(6) Provide an insured motor vehicle under an automobile insurance liability policy with an insurance card clearly indicating that the motor vehicle is insured under an automobile liability insurance policy in accordance with § 27-22-104; and

(7) Allow access through the online insurance verification system to verify insurance status.

(b) This section shall not prohibit an insurer from using the services of a third party vendor for facilitating the online insurance verification system required by this subchapter.

History. Acts 2017, No. 1016, § 2; 2019, No. 869, §§ 13-15.

Amendments. The 2019 amendment made stylistic changes throughout (a).

27-22-206. Responsibilities of department.

(a) The Department of Finance and Administration shall:

(1) Cooperate with insurers and the advisory group established under § 27-22-203 in operating the online insurance verification system;

(2) Maintain the list of authorized requesting entities and individuals and make the list a part of the online insurance verification system;

(3) Maintain the online insurance verification system framework necessary for insurers using the key or keys under § 27-22-204;

(4)(A) Provide data security for the type of information transferred as prescribed by the advisory group.

(B) Data secured via the online insurance verification system may not be shared with any party other than those permitted by state or federal privacy laws;

(5) Be responsible for keeping the advisory group informed on functionality and planned or unplanned service interruptions;

(6) Provide alternative methods of reporting for small insurers insuring no more than fifty (50) motor vehicles in the state as prescribed by the department;

(7) Work with the advisory group on issues as they emerge for an equitable resolution for all parties;

(8) Maintain records of online insurance verification system data for a period of time specified by the department;

(9) Provide a means to separately track or distinguish motor vehicles where the owner qualifies as self-insured and financial responsibility is provided by a certificate of insurance under § 27-19-107 or other method authorized by law;

(10) Administer and enforce this subchapter and propose reasonable rules concerning any matter administered in this subchapter;

(11) Provide suitable notices and forms necessary to carry out the provisions of this subchapter; and

(12) Suspend motor vehicle registrations under this subchapter.

(b) This section does not prohibit the department from using the services of a third-party vendor for facilitating the operation of the online insurance verification system required by this subchapter.

History. Acts 2017, No. 1016, § 2; 2019, No. 315, § 3129; 2019, No. 869, § 16.

by No. 315 deleted “and regulations” following “rules” in (a)(10).

Amendments. The 2019 amendment

The 2019 amendment by No. 869, in (b), inserted “the” preceding “online insurance”, and made a stylistic change.

27-22-207. Exemptions.

This subchapter shall not apply to any of the following motor vehicles or operators:

- (1) Trailers as defined in § 27-14-1202, including without limitation semitrailers, travel trailers, boat trailers, pole trailers, and utility trailers;
- (2) Implements of husbandry as defined in § 27-14-104;
- (3) Any vehicle moved solely by animal power;
- (4) Inoperable or stored motor vehicles that are not operated, as defined by the rules of the Department of Finance and Administration and not subject to the provisions of this subchapter;
- (5) Motor vehicles owned by a licensed motor vehicle dealer, wholesaler, rebuilder, or reconditioner and held in inventory that are covered by a blanket liability insurance policy or commercial automobile liability insurance policy;
- (6) Motor vehicles properly registered in another jurisdiction and not legally required to be registered under this subchapter;
- (7) Motor vehicles owned by a bank, a subsidiary or affiliate of a bank, or finance company, acquired as an incident to their regular business, that are covered by a blanket liability insurance policy or commercial automobile liability insurance policy; or
- (8) Motor vehicles as prescribed by the Insurance Commissioner that are covered by a blanket liability insurance policy or commercial automobile liability insurance policy.

History. Acts 2017, No. 1016, § 2; deleted “and regulations” following “rules” 2019, No. 315, § 3130. in (4).

Amendments. The 2019 amendment

27-22-208. Reporting violations.

(a) If an insurance company fails to consistently allow access through an online insurance verification system to verify coverage of motor vehicle liability insurance coverage, the Department of Finance and Administration shall notify the State Insurance Department of repeated violations that the Department of Finance and Administration is not able to resolve with the insurer.

(b) The Department of Finance and Administration shall provide the form and manner of transmission for the purposes of notifying the State Insurance Department and insurer under subsection (a) of this section.

(c) The State Insurance Department may impose a penalty or fine under § 23-60-108.

History. Acts 2017, No. 1016, § 2.

27-22-209. Suspension of registration.

(a)(1) The Department of Finance and Administration shall suspend the motor vehicle registration of any motor vehicle determined to be in violation of § 27-22-104 or this subchapter.

(2) Suspension will occur regardless of whether:

(A) The owner of the motor vehicle acquires the required liability insurance policy after the date of verification; or

(B) The owner of the motor vehicle terminates ownership of the motor vehicle.

(b) The department or a designated third party will provide notification of the suspension to the owner of the motor vehicle.

(c) In the case of a violation, the department shall terminate the suspension upon payment by the owner of the motor vehicle of a reinstatement fee of one hundred dollars (\$100) and submission of proof of current insurance as verified through the online insurance verification system.

(d) The reinstatement fee collected by the department shall be distributed under § 27-16-808.

(e) All officials authorized by law to register motor vehicles, issue motor vehicle license plates, and to perform other duties in connection with the issuance of motor vehicle license plates shall refuse to register or re-register a motor vehicle or refuse to transfer the license plates if the registration is suspended.

(f) Information regarding the motor vehicle registration suspension or reinstatement status of a person is confidential and shall be released only to the person who is the subject of a suspension or possible suspension, or to law enforcement agencies, courts, and other governmental entities, including officials responsible for the issuance of license plates, as necessary in the administration of the provisions of this chapter.

History. Acts 2017, No. 1016, § 2; **Amendments.** The 2019 amendment 2019, No. 869, § 17. made stylistic changes in (b).

27-22-210. Penalties — Definitions.

(a) A person is guilty of a Class C misdemeanor upon conviction if he or she:

(1) Operates a motor vehicle without a liability insurance policy or proof of self-insurance in accordance with this chapter;

(2) Operates a motor vehicle with notice of cancellation, recession, abrogation, or termination of insurance or registers or attempts to register a motor vehicle;

(3) Operates a motor vehicle and, upon demand of a law enforcement officer, fails or refuses to present satisfactory evidence of insurance unless a law enforcement officer verifies motor vehicle liability insurance coverage through the online insurance verification system;

(4) Operates a motor vehicle the registration of which is suspended or revoked under this chapter; or

(5) Operates a motor vehicle and presents evidence of insurance when there is no valid insurance in effect on the motor vehicle as required by this chapter.

(b)(1) A motor vehicle may be impounded at the discretion of a law enforcement officer if the operator fails to provide evidence of registration and insurance as required by § 27-22-104.

(2) Proof of registration and insurance may be verified through the online insurance verification system and other electronic means as necessary.

(c)(1) For the purposes of this section, “operates a motor vehicle” or “operation of a motor vehicle” means that a motor vehicle has traveled any distance upon a public road or highway, even if a law enforcement officer has only observed the results of the distance traveled, including without limitation the motor vehicle’s being stopped on or off the public road or highway after an accident.

(2) A law enforcement officer is not required to have witnessed the operation of a motor vehicle by a person in order to issue a citation to that person under this section.

(d) A person is guilty of a Class D felony if he or she knowingly:

(1) Alters, forges, or counterfeits an insurance card in either paper form or electronic form to make it appear valid; or

(2) Makes, sells, or otherwise makes available an invalid or counterfeit insurance card in either paper form or electronic form, or other evidence of insurance.

(e) As used in this section, “electronic form” means the display of electronic images on a cellular phone or any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required by § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

History. Acts 2017, No. 1016, § 2; rewrote (c); inserted “in either paper form or electronic form” in (d)(1) and (d)(2); and 2019, No. 869, §§ 18, 19.

Amendments. The 2019 amendment added (e).

27-22-211. Registration and licensing — Definition.

(a) The Department of Finance and Administration shall not register or reregister a motor vehicle or transfer the license plates if the registration is suspended under § 27-22-209.

(b) Notwithstanding the provisions of subsection (c) of this section, the department, upon the request of the registrant, shall reinstate a suspended registration at such time the registrant meets the provisions of reinstatement provided for by this chapter.

(c)(1) A vehicle registration or renewal shall not be issued for a motor vehicle unless the department receives proof of insurance in either paper form or electronic form or verification of motor vehicle liability insurance through the online insurance verification system that pro-

vides the minimum motor vehicle insurance coverage required by § 27-22-104.

(2) As used in subdivision (c)(1) of this section, “electronic form” means the display of electronic images on a cellular phone or any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required by § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

(3) The proof authorized under subdivision (c)(1) of this section shall be valid only if presented to the department within thirty (30) days from the date of issuance shown on the paper form or electronic form.

History. Acts 2017, No. 1016, § 2; 2019, No. 869, §§ 20, 21.

Amendments. The 2019 amendment added (c)(2) and (c)(3) and redesignated former (c) as (c)(1); inserted “in either paper form or electronic form” in (c)(1); and made stylistic changes.

27-22-212. Reporting of violation.

A court shall forward a report of the conviction of a person under § 27-22-104 to the Department of Finance and Administration within ten (10) calendar days in a form prescribed by the department.

History. Acts 2017, No. 1016, § 2.

CHAPTER 23
COMMERCIAL DRIVER LICENSE

SUBCHAPTER.

1. ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT.

SUBCHAPTER 1 — ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT

SECTION.

- 27-23-103. Definitions.
- 27-23-108. Commercial driver license qualification standards — Definitions.
- 27-23-110. Application for commercial driver license. [Effective until January 1, 2022.]
- 27-23-110. Application for commercial driver license. [Effective January 1, 2022.]
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- newal. [Effective January 1, 2022.]
- 27-23-112. Disqualification and cancellation.
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- 27-23-118. Distribution of fees. [Effective January 1, 2022.]
- 27-23-119. Exemption regulations.
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SECTION.

27-23-130. Prohibition against texting —
Definition.

Effective Dates. Acts 2015, No. 578, § 8: May 18, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the receipt of federal highway funds by this state in the future is dependent upon the adoption of provisions of the Federal Motor Carrier Safety Regulations as provided in this act. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety is effective on and after May 18, 2015."

Acts 2015, No. 702, § 7: Jan. 1, 2016.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new de-

partments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 753, § 4: Jan. 1, 2022.

27-23-103. Definitions.

As used in this subchapter:

(1) "Alcohol" or "alcoholic beverage" means:

(A) Ethyl alcohol, or ethanol;

(B) Beer which is defined as beer, ale, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent (0.5%) or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefore;

(C) Wine of not less than one-half of one percent (0.5%) of alcohol by volume; or

(D) Distilled spirits, alcoholic spirits, and spirits, which are defined as those substances known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced;

(2) "Blood alcohol concentration" means:

(A) The number of grams of alcohol per one hundred milliliters (100 ml) of blood;

(B) The number of grams of alcohol per two hundred ten liters (210 l) of breath; or

(C) Blood and breath quantitative measures in accordance with the current Arkansas Regulations for Alcohol Testing promulgated by the Department of Health;

(3) "Commerce" means:

(A) Trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of that state, including a place outside of the United States; and

(B) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subdivision (3)(A) of this section;

(4) "Commercial driver license" means a license issued in accordance with the requirements of this subchapter to an individual which authorizes the individual to drive a class of commercial motor vehicle;

(5) "Commercial Driver License Information System" means the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(6) "Commercial driver license record" means the electronic record of an individual commercial driver license holder's driver status and history stored by the Office of Driver Services as part of the Commercial Driver License Information System established under 49 U.S.C. § 31309, as in effect on January 1, 2011;

(7)(A) "Commercial learner's permit" means a permit issued in accordance with the requirements of 49 C.F.R. part 383, as in effect on January 1, 2013, to an individual, that, when carried with a valid driver license authorizes the person to operate a class of a commercial motor vehicle when accompanied by a holder of a valid commercial driver license for purposes of behind-the-wheel training.

(B) When issued to a commercial driver license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver license is not valid;

(8) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:

(A) Combination Vehicle (Group A) — having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater;

(B) Heavy Straight Vehicle (Group B) — having a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(C) Small Vehicle (Group C) that does not meet Group A or B requirements under subdivision (8)(A) and (B) of this section but that either:

(i) Is designed to transport sixteen (16) or more passengers, including the driver; or

(ii) Is of any size and is used in the transportation of hazardous materials;

(9) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I-VI of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

(10) "Conviction" or "convicted" means an unvacated adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine, court cost, or court order, or violation of a condition of release without bail, regardless of whether or not the penalty was rebated, suspended, or prorated;

(11) "Disqualification" means any of the following three (3) actions:

(A) The suspension, revocation, or cancellation of a commercial driver license or commercial learner's permit by the office or jurisdiction of issuance;

(B) A withdrawal of a person's privileges to drive a commercial motor vehicle by the office or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control except for parking, vehicle weight, or vehicle defect violations; or

(C) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle;

(12) "Downgrade" means the removal of commercial driving privileges from a commercial driver license or commercial learner's permit by the office;

(13) "Drive" means to drive, operate, or be in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(14) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(15) "Driver applicant" or "applicant" means any person who has applied to obtain, transfer, upgrade, or renew a commercial driver license or to obtain or renew a commercial learner's permit;

(16) "Driver license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle;

(17) "Driving a commercial motor vehicle while under the influence of alcohol" means committing any one (1) or more of the following acts in a commercial motor vehicle:

(A) Driving a commercial motor vehicle while the person's blood alcohol concentration is four-hundredths of one percent (0.04%) or more;

(B) Driving or boating while intoxicated in violation of § 5-65-103; or

(C) Refusal to undergo such testing as is required by § 5-65-202;

(18) "Electronic device" means a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(19) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(20) "Endorsement" means an authorization to a person's commercial learner's permit or commercial driver license required to permit the person to operate certain types of commercial motor vehicles;

(21) "Excepted interstate" means a driver or applicant who operates or expects to operate a commercial motor vehicle in interstate commerce but engages exclusively in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, from all or part of the qualification requirements of 49 C.F.R. part 391, as in effect on January 1, 2011, and is therefore not required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(22) "Excepted intrastate" means a driver or applicant who operates or expects to operate a commercial motor vehicle exclusively in intrastate commerce but engages exclusively in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, from all or part of the qualification requirements of 49 C.F.R. part 391, and is therefore not required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(23) "Fatality" means the death of a person as a result of a motor vehicle accident;

(24) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;

(25) "Foreign jurisdiction" means any jurisdiction other than a state of the United States;

(26)(A) "Gross combination weight rating" means the greater of:

(i) The value specified by the manufacturer of the power unit, if such value is displayed on the federal motor vehicle safety standards certification label required by the National Highway Traffic Safety Administration; or

(ii) The sum of the gross vehicle weight rating or the gross vehicle weight of the power unit and towed unit or units, or any combination thereof, that produces the highest value.

(B) The gross combination weight rating of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle;

(27) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(28) "Hazardous materials" means:

(A) Any material that:

(i) Has been designated as hazardous under 49 U.S.C. § 5103, as in effect on January 1, 2009; and

(ii) Is required to be placarded under 49 C.F.R. part 172, subpart F, as in effect on January 1, 2009; or

(B) Any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as in effect on January 1, 2009;

(29) "Imminent hazard" means the existence of a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment;

(30)(A) "Manual transmission" means a transmission using a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

(B) "Manual transmission" does not include semiautomatic transmissions or automatic transmissions that are considered automatic for the purposes of the standardized restriction code;

(31)(A) "Medical examiner" means a person who is licensed, certified, or registered under applicable state laws and regulations to perform physical examinations.

(B) "Medical examiner" includes without limitation a doctor of medicine, a doctor of osteopathy, a physician's assistant, an advanced practice nurse, and a doctor of chiropractic;

(32) "Medical variance" means the receipt by a driver of one (1) of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

(A) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C, as in effect on January 1, 2011, or 49 C.F.R. § 391.64, as in effect on January 1, 2011; and

(B) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 C.F.R. § 391.49, as in effect on January 1, 2011;

(33)(A) "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3, as in effect on January 1, 2013.

(B) "Mobile telephone" does not include two-way or citizens band radio services;

(34) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail;

(35) "Noncommercial driver license" or "non-CDL" means any other type of motor vehicle license, such as an automobile driver license, a chauffeur's license, or a motorcycle license;

(36) "Nondomiciled commercial learner's permit" or "nondomiciled commercial driver license" means a commercial learner's permit or commercial driver license, respectively, issued by a state or other jurisdiction under either of the following two (2) conditions:

(A) To a person domiciled in a foreign country meeting the requirements of 49 C.F.R. § 383.23(b)(1), as in effect on January 1, 2013; or

(B) To a person domiciled in another state meeting the requirements of 49 C.F.R. § 383.23(b)(2), as in effect on January 1, 2013;

(37) "Nonexcepted interstate" means a driver or applicant who:

(A) Operates or expects to operate a commercial motor vehicle in interstate commerce;

(B) Is subject to and meets the qualification requirements under 49 C.F.R. part 391, as in effect on January 1, 2011; and

(C) Is required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(38) "Nonexcepted intrastate" means a driver or applicant who operates or expects to operate a commercial motor vehicle exclusively in intrastate commerce but does not engage exclusively in transportation or operations as provided in 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, and is therefore required to obtain a medical examiner's certificate;

(39) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver or motor carrier is temporarily prohibited from operating a commercial motor vehicle pursuant to § 27-23-113 or compatible laws, or that a commercial motor vehicle may not be operated;

(40)(A) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events.

(B) "School bus" does not include a bus used as a common carrier;

(41) "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:

(A) Excessive speeding, involving a single offense for a speed of fifteen miles per hour (15 m.p.h.) or more above the posted speed limit;

(B) Reckless driving as defined by state or local law or regulation, including without limitation offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(C) Improper or erratic traffic lane changes;

(D) Following the vehicle ahead too closely;

(E)(i) A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation.

(ii) Serious traffic violations shall not include weight or defect violations;

(F) Driving a commercial motor vehicle without obtaining a commercial learner's permit or a commercial driver license;

(G)(i) Driving a commercial motor vehicle without a commercial learner's permit or a commercial driver license in the driver's possession.

(ii) An individual who by the date the individual must appear in court or pay any fine for a violation under this subdivision (41)(G) provides proof to the enforcement authority that issued the citation that the individual held a valid commercial driver license on the date the citation was issued shall not be guilty of this offense;

(H) Driving a commercial vehicle without the proper class of commercial driver license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(I) Driving while texting; or

(J) Using a hand-held mobile telephone while driving;

(42) "State" means a state of the United States and also means the District of Columbia;

(43)(A) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rating capacity of more than one hundred nineteen gallons (119 gals.) and an aggregate rated capacity of one thousand gallons (1,000 gals.) or more that is either permanently or temporarily attached to the vehicle or chassis.

(B) "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons (1,000 gals.) or more that is temporarily attached to a flatbed trailer;

(44)(A) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device.

(B) "Texting" includes without limitation using a short message service, emailing, instant messaging, entering a command or request to access an internet page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication.

(C) "Texting" does not include:

(i) Pressing a single button to initiate or terminate a voice communication using a mobile telephone;

(ii) Inputting, selecting, or reading information on a global positioning system or navigation system; or

(iii) Using a device capable of performing multiple functions, including without limitation a fleet management system, a dispatching device, a smart phone, a citizens band radio, or a music player, for a purpose that is not otherwise prohibited in 49 C.F.R. parts 383 or 392;

(45) "Third-party skills test examiner" means a person employed by a third-party tester who is authorized by the Division of Arkansas State Police to administer the commercial driver license skills tests specified in 49 C.F.R. part 383, subparts G and H, as in effect on January 1, 2013;

(46)(A) “Third-party tester” means a person authorized by the Division of Arkansas State Police to employ skills test examiners to administer the commercial driver license skills tests specified in 49 C.F.R. part 383, subparts G and H, as in effect on January 1, 2013.

(B) A “third-party tester” may include without limitation another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government;

(47) “United States” means the fifty (50) states and the District of Columbia; and

(48) “Use of a hand-held mobile telephone” means:

(A) Using at least one (1) hand to hold a mobile telephone to conduct a voice communication;

(B) Dialing or answering a mobile telephone by pressing more than a single button; or

(C) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93, as in effect on January 1, 2013, and adjusted in accordance with the vehicle manufacturer’s instructions.

History. Acts 1989, No. 241, § 3; 1991, No. 643, § 1; 1995, No. 921, §§ 1, 2; 1997, No. 892, §§ 1-3; 2003, No. 842, § 1; 2005, No. 879, § 2; 2007, No. 382, § 1; 2009, No. 456, §§ 5, 6; 2011, No. 352, §§ 1, 2; 2013, No. 758, §§ 1-11; 2015, No. 299, § 34; 2015, No. 578, §§ 1, 2; 2017, No. 463, §§ 1, 2; 2019, No. 738, § 1.

Amendments. The 2017 amendment, in (3)(A), substituted “or” for “and” preceding “transportation”, “outside of that state” for “outside of the state”, and “outside of the United States” for “outside the United States”; substituted “described in subdivision (3)(A) of this section” for “within the jurisdiction of the United

States between a place in a state and a place outside of the state, including a place outside the United States” in (3)(B); added “does not meet Group A or B requirements under subdivision (7)(A) and (B) of this section but that either” in the introductory language of (7)(C) [now (8)(C)]; deleted former (7)(C)(i); and redesignated the remaining subdivisions accordingly.

The 2019 amendment deleted “as in effect on January 1, 2013” following “49 C.F.R. parts 383 or 392” in (38)(C)(iii) [now (44)(C)(iii)] and made stylistic changes.

27-23-108. Commercial driver license qualification standards — Definitions.

(a) TESTING.

(1)(A) To the extent permitted by federal law and regulation, a person may be issued a commercial driver license only if that person has:

(i) Passed a knowledge and skills test for driving a commercial motor vehicle that:

(a) Complies with minimum federal standards established by 49 C.F.R. § 383.79 if the person is a resident of another state and § 383.133, as in effect on January 1, 2013, and 49 C.F.R. part 383, subparts G and H, as in effect on January 1, 2013; or

(b) Uses a state-to-state testing system pre-approved by the Federal Motor Carrier Safety Administration that meets the minimum requirements of the July 2010 version of the American Association of Motor Vehicle Administrators 2005 CDL Test System; and

(ii) Satisfied all other requirements imposed by state or federal law or regulation.

(B)(i) The tests shall be prescribed by the Division of Arkansas State Police and shall be conducted by the division or by a third-party tester designated by the division under regulations promulgated as provided in this section.

(ii) The knowledge test administered by the division shall be given in electronic format.

(iii) The result of a test administered by the division or by a third-party tester shall be transmitted electronically to the Department of Finance and Administration.

(C) The Department of Finance and Administration shall set the length of time consistent with federal law that the commercial driver license is valid under this subdivision (a)(1).

(2) The division shall, by rules, authorize a person, including an agency of this state, an employer, a private driver training facility, another private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section pursuant to the requirements of 49 C.F.R. § 383.75, as in effect on January 1, 2013. These third-party testing regulations shall provide at a minimum that:

(A) A skills test given by a third-party tester is the same as a test that would otherwise be given by the division using:

(i) The same version of the skills test;

(ii) The same written instructions for test applicants; and

(iii) The same scoring sheets as those prescribed in 49 C.F.R. part 383, subparts G and H, as in effect on January 1, 2013;

(B) A third-party skills test examiner shall meet the requirements of 49 C.F.R. § 384.228, as in effect on January 1, 2013;

(C) The third-party tester shall enter into an agreement with the division that demonstrates compliance with all of the requirements of 49 C.F.R. § 383.75, as in effect on January 1, 2013;

(D) The division shall designate and provide to any third-party testers the evidence to be used to indicate to the Department of Finance and Administration that an applicant had successfully passed the skills test;

(E) The eligibility to become a third-party tester shall be open to qualified persons under the regulations at least two (2) times annually, provided there are sufficient numbers of qualified applicants to conduct classes;

(F) The third-party tester shall pay a third-party testing administration fee as may be determined by the Director of the Division of Arkansas State Police to recover the costs of administering the testing program and examination distribution expenses;

(G) The division shall issue each third-party skills test examiner a skills-testing certificate upon successful completion of a formal skills test examiner training course pursuant to 49 C.F.R. § 384.228, as in effect on January 1, 2013; and

(H) The division shall audit and monitor third-party testers and third-party skills test examiners pursuant to the requirements of 49 C.F.R. § 384.229, as in effect on January 1, 2013.

(3)(A) A third-party tester shall obtain and maintain a bond to pay for the retesting of drivers in the following amounts:

(i) Two hundred thousand dollars (\$200,000) for a third-party tester that conducted more than one thousand five hundred (1,500) tests in the preceding calendar year;

(ii) One hundred thousand dollars (\$100,000) for a third-party tester that conducted between one thousand (1,000) and one thousand five hundred (1,500) tests in the preceding calendar year;

(iii) Fifty thousand dollars (\$50,000) for a third-party tester that conducted between five hundred (500) and nine hundred ninety-nine (999) tests in the preceding calendar year; and

(iv) Twenty-five thousand dollars (\$25,000) for a third-party tester that conducted between one (1) and four hundred ninety-nine (499) tests in the preceding calendar year.

(B)(i) A new third-party tester applicant shall certify to the division the number of tests it anticipates conducting in its first year of testing and shall obtain and maintain a bond based upon the number of tests it anticipates conducting that corresponds to the amount provided in subdivision (a)(3)(A) of this section for tests in the preceding calendar year.

(ii) Following the new applicant's first year of testing, the third-party tester shall initiate and maintain a bond in an amount provided in subdivision (a)(3)(A) of this section based upon the actual number of tests conducted in the preceding year.

(C) A governmental entity including without limitation a school district, public university, or college that is authorized to perform third-party testing is not required to initiate and maintain a bond as required by this section.

(D) In the event that a third-party tester or one of its examiners is involved in fraudulent activities related to conducting skills testing that require a driver to be retested, the third-party tester's bond is liable to the division for payment of its actual costs to retest the driver.

(b) WAIVER OF SKILLS TEST.

(1) The division may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R., § 383.77, as in effect on January 1, 2013.

(2)(A) As used in this subdivision (b)(2), "valid military commercial driver license" means any commercial driver license that is recognized by any active or reserve component of any branch or unit of the United States Armed Forces as currently being valid or as having

been valid at the time of the applicant's separation or discharge from the military that occurred within the twelve-month period prior to the date of application to the Office of Driver Services for a commercial driver license.

(B) The division shall waive the skills test specified in this section for any commercial driver license applicant who:

(i) Possesses a valid military commercial driver license;

(ii) Certifies that he or she has not had during the two-year period immediately prior to applying for a commercial driver license:

(a) More than one (1) license except for a military license;

(b) A license suspended, disqualified, revoked, or cancelled;

(c) A conviction occurring in any type of motor vehicle for a disqualifying offense contained in § 27-23-112 or 49 C.F.R. § 383.51(b), as in effect on January 1, 2013;

(d) A conviction occurring in any type of motor vehicle for a serious traffic violation as defined under § 27-23-103 or 49 C.F.R. § 383.51(c), as in effect on January 1, 2013;

(e) A conviction for a violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident; or

(f) A traffic accident in which the applicant was at fault; and

(iii) Provides evidence and certifies that he or she:

(a) Is regularly employed or was regularly employed within the last twelve (12) months in a military position requiring operation of a commercial motor vehicle;

(b) Was exempted from the commercial driver license requirements of 49 C.F.R. § 383.3(c), as in effect on January 1, 2013; and

(c) Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate for at least the two (2) years immediately preceding discharge from the military.

(C) The division shall:

(i) Indicate on the application for a commercial driver license the class of license and any endorsements for which the applicant has successfully completed the knowledge requirements; and

(ii) Return the application for a commercial driver license, along with the military commercial driver license, to the office for the issuance of the commercial driver license.

(c) LIMITATIONS ON ISSUANCE OF LICENSE.

(1) A commercial driver license or commercial learner's permit may not be issued to a person:

(A) While the person is subject to a disqualification from driving a commercial motor vehicle;

(B) While the person's driver license is suspended, revoked, or canceled in any state; or

(C) For one (1) year after the end of:

(i) The disqualification under subdivision (c)(1)(A) of this section; or

(ii) The suspension, revocation, or cancellation of the person's license under subdivision (c)(1)(B) of this section.

(2) A commercial driver license shall not be issued to a person who has a commercial driver license or any other driver license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing state or states for cancellation.

(d) COMMERCIAL LEARNER'S PERMIT.

(1) A commercial learner's permit may be issued by the Department of Finance and Administration pursuant to the requirements of 49 C.F.R. part 383, subpart E, as in effect on January 1, 2013, to an individual who:

(A) Is domiciled in this state;

(B) Holds a valid driver's license;

(C) Has passed the knowledge tests and endorsement tests required by this section as applicable; and

(D) Has met all other requirements of the Department of Finance and Administration.

(2)(A) A commercial learner's permit is valid for a period of one hundred eighty (180) days from the date of issuance and may be renewed for an additional one hundred eighty (180) days.

(B) If a commercial learner's permit holder has not been issued a commercial driver license while his or her commercial learner's permit is valid and the person wishes to obtain another commercial learner's permit, the person shall reapply for a commercial learner's permit and retake and pass the knowledge tests and endorsement tests, if applicable, as provided in this section.

(3) A commercial learner's permit shall contain only the following endorsements, as restricted by 49 C.F.R. § 383.25, as in effect on January 1, 2013:

(A) "P" — passenger;

(B) "S" — school bus; or

(C) "N" — tank vehicle.

(4)(A) A commercial learner's permit holder with a passenger ("P") endorsement shall have taken and passed the "P" endorsement knowledge test.

(B) A commercial learner's permit holder with a "P" endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver license holder accompanying the commercial learner's permit holder.

(C) A "P" endorsement is class-specific.

(5)(A) A commercial learner's permit holder with a school bus ("S") endorsement shall have taken and passed the "S" endorsement knowledge test.

(B) A commercial learner's permit holder with an "S" endorsement is prohibited from operating a school bus with passengers other than federal and state auditors and inspectors, test examiners, other trainees, and the commercial driver license holder accompanying the commercial learner's permit holder.

(6)(A) A commercial learner's permit holder with a tank vehicle ("N") endorsement shall have taken and passed the "N" endorsement knowledge test.

(B) A commercial learner's permit holder with an "N" endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

(7) Other than the endorsements contained in subdivision (d)(3) of this section, no other endorsements may be contained on a commercial learner's permit.

(e) HUMAN TRAFFICKING PREVENTION TRAINING.

(1) A person may be issued a Class A commercial driver license only if he or she:

(A) Completes a human trafficking prevention course administered by the division or by a third party approved by the division to present a human trafficking prevention course under regulations promulgated as provided in this section; or

(B) Becomes a Certified Trucker Against Trafficking by completing the online certification course offered by Truckers Against Trafficking and provides evidence of completion to the Department of Finance and Administration with his or her application for a commercial driver license under § 27-23-110.

(2) A person who currently holds a Class A commercial driver license is not required to comply with this subsection when applying for renewal of the commercial driver license as required by § 27-23-111(g) so long as he or she has completed the human trafficking prevention training required under subdivision (e)(1) of this section at least once.

History. Acts 1989, No. 241, § 8; 1995, No. 654, § 1; 2003, No. 217, § 2; 2003, No. 842, § 2; 2003 (2nd Ex. Sess.), No. 5, §§ 1, 2; 2005, No. 76, § 1; 2005, No. 879, § 5; 2005, No. 942, § 1; 2007, No. 584, § 1; 2013, No. 758, § 13; 2015, No. 578, §§ 3-6; 2017, No. 922, § 1; 2019, No. 366, § 1; 2019, No. 910, §§ 6040-6047.

Amendments. The 2017 amendment added (e).

The 2019 amendment by No. 366, in (e)(2), substituted "is not required to com-

ply" for "must comply", and added "so long as he or she has completed the human trafficking prevention training required under subdivision (e)(1) of this section at least once".

The 2019 amendment by No. 910 substituted "Division of Arkansas State Police" or "division" for "Department of Arkansas State Police" throughout the section.

27-23-110. Application for commercial driver license. [Effective until January 1, 2022.]

(a)(1) The application for a commercial driver license or commercial learner's permit shall include the following:

(A) The full name and current residential address of the applicant;

(B) A physical description of the applicant, including the applicant's sex, height, weight, eye color, and hair color;

(C) The applicant's date of birth;

(D) The applicant's Social Security number;

(E) The applicant's signature;

(F) A consent to release driving record information;

(G) Certifications, including without limitation those required by 49 C.F.R. § 383.71, as in effect on January 1, 2013;

(H) Certification that the applicant is not subject to any disqualification under 49 C.F.R. § 383.51, as in effect on January 1, 2013, or any license suspension, revocation, or cancellation under state law and that the applicant does not have a driver license from more than one (1) state or jurisdiction;

(I) Certification that the applicant is or expects to be one (1) of the following types of drivers:

(i) Nonexcepted interstate;

(ii) Excepted interstate;

(iii) Nonexcepted intrastate; or

(iv) Excepted intrastate;

(J) For an applicant for a commercial driver license only, the surrender of the applicant's noncommercial driver licenses to the state;

(K) The names of all states in which the applicant has previously been licensed to drive any type of motor vehicle during the previous ten (10) years;

(L) For an applicant that certifies as nonexcepted interstate or nonexcepted intrastate, the applicant shall provide the Office of Driver Services with a medical examiner's certificate and any waiver, exemption, or skills performance evaluation certificate required by the medical examiner's certificate as provided in § 27-23-129; and

(M) Any other information required by the office.

(2) The application for a commercial driver license shall be accompanied by an application fee of forty-one dollars (\$41.00).

(b) When a licensee changes his or her name, an application for a duplicate license shall be made to the office.

(c) No person who has been a resident of this state for thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(d) The license application shall be accompanied by an examination fee for each knowledge and skills test, which shall be set by regulation of the Division of Arkansas State Police in an amount not to exceed fifty dollars (\$50.00) for each examination and administration.

(e) The examination fee set in subsection (d) of this section shall be collected by the Revenue Division of the Department of Finance and Administration at the time of initial application for a commercial motor vehicle license and any subsequent applications for examination. The funds shall be deposited as special revenues into the State Treasury and distributed to the credit of the Division of Arkansas State Police Fund to defray the cost of administering the examination of the knowledge and skills tests required in § 27-23-108.

(f) If the Office of Driver Services issues a commercial learner's permit to an applicant, the applicant may take the commercial driver

license skills test no earlier than fourteen (14) calendar days following the date of issuance of the commercial learner's permit.

History. Acts 1989, No. 241, § 10; 1989 (3rd Ex. Sess.), No. 36, § 1; 1991, No. 164, § 1; 1991, No. 852, § 1; 1991, No. 1042, § 1; 2003, No. 842, § 3; 2007, No. 256, § 1; 2007, No. 382, § 3; 2011, No. 352, § 3; 2013, No. 758, § 14; 2017, No. 463, § 3.

Publisher's Notes. For text of section effective January 1, 2022, see the following version.

Amendments. The 2017 amendment deleted "or residential address" following "name" in (b).

27-23-110. Application for commercial driver license. [Effective January 1, 2022.]

(a)(1) The application for a commercial driver license or commercial learner's permit shall include the following:

(A) The full name and current residential address of the applicant;

(B) A physical description of the applicant, including the applicant's sex, height, weight, eye color, and hair color;

(C) The applicant's date of birth;

(D) The applicant's Social Security number;

(E) The applicant's signature;

(F) A consent to release driving record information;

(G) Certifications, including without limitation those required by 49 C.F.R. § 383.71, as in effect on January 1, 2013;

(H) Certification that the applicant is not subject to any disqualification under 49 C.F.R. § 383.51, as in effect on January 1, 2013, or any license suspension, revocation, or cancellation under state law and that the applicant does not have a driver license from more than one (1) state or jurisdiction;

(I) Certification that the applicant is or expects to be one (1) of the following types of drivers:

(i) Nonexcepted interstate;

(ii) Excepted interstate;

(iii) Nonexcepted intrastate; or

(iv) Excepted intrastate;

(J) For an applicant for a commercial driver license only, the surrender of the applicant's noncommercial driver licenses to the state;

(K) The names of all states in which the applicant has previously been licensed to drive any type of motor vehicle during the previous ten (10) years;

(L) For an applicant that certifies as nonexcepted interstate or nonexcepted intrastate, the applicant shall provide the Office of Driver Services with a medical examiner's certificate and any waiver, exemption, or skills performance evaluation certificate required by the medical examiner's certificate as provided in § 27-23-129; and

(M) Any other information required by the office.

(2) The application for a commercial driver license shall be accompanied by an application fee of fifty dollars (\$50.00).

(b) When a licensee changes his or her name, an application for a duplicate license shall be made to the office.

(c) No person who has been a resident of this state for thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(d) The license application shall be accompanied by an examination fee for each knowledge and skills test, which shall be set by regulation of the Division of Arkansas State Police in an amount not to exceed fifty dollars (\$50.00) for each examination and administration.

(e) The examination fee set in subsection (d) of this section shall be collected by the Revenue Division of the Department of Finance and Administration at the time of initial application for a commercial motor vehicle license and any subsequent applications for examination. The funds shall be deposited as special revenues into the State Treasury and distributed to the credit of the Division of Arkansas State Police Fund to defray the cost of administering the examination of the knowledge and skills tests required in § 27-23-108.

(f) If the Office of Driver Services issues a commercial learner's permit to an applicant, the applicant may take the commercial driver license skills test no earlier than fourteen (14) calendar days following the date of issuance of the commercial learner's permit.

History. Acts 1989, No. 241, § 10; 1989 (3rd Ex. Sess.), No. 36, § 1; 1991, No. 164, § 1; 1991, No. 852, § 1; 1991, No. 1042, § 1; 2003, No. 842, § 3; 2007, No. 256, § 1; 2007, No. 382, § 3; 2011, No. 352, § 3; 2013, No. 758, § 14; 2017, No. 463, § 3; 2021, No. 753, § 1.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2017 amendment deleted "or residential address" following "name" in (b).

The 2021 amendment substituted "fifty dollars (\$50.00)" for "forty-one dollars (\$41.00)" in (a)(2).

Effective Dates. Acts 2021, No. 753, § 4: Jan. 1, 2022.

27-23-111. Content of Commercial Driver License — Classifications — Expiration and renewal. [Effective until January 1, 2022.]

(a) **CONTENT OF LICENSE.** The commercial driver license must be marked "Commercial Driver License" or "CDL", and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

- (1) The name and residential address of the person;
- (2) The person's color photograph;
- (3) A physical description of the person, including sex and height;
- (4) Date of birth;
- (5) A license number which shall be a nine-digit number assigned to the person by the Commissioner of Motor Vehicles;
- (6) The person's signature;
- (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;

(8) The name of this state; and

(9) The dates between which the license is valid.

(b) CLASSIFICATIONS, ENDORSEMENTS, AND RESTRICTIONS. Commercial driver licenses may be issued with the following Class A, Class B, or Class C classifications, as well as the following endorsements and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license; all other driver licenses may be issued with the following Class D, Class M, or Class MD classifications:

(1) COMMERCIAL CLASSIFICATION.

(A) Class A. Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more, provided that the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds (10,000 lbs.). No Class A license shall be issued to any person under the age of eighteen (18) years.

(B) Class B. Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more, and any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs.). No Class B license shall be issued to any person under eighteen (18) years of age.

(C) Class C.

(i) Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds (26,001 lbs.) or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds (10,000 lbs.) comprising:

(a) Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

(b) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R., part 172, subpart F.

(ii) No Class C license shall be issued to any person under eighteen (18) years of age.

(2) OTHER CLASSIFICATIONS.

(A)(i) Class D. Any vehicle which is not a commercial vehicle, as defined by this chapter. No Class D license shall be issued to persons under the age of fourteen (14) years; provided, however, that no such licensee under the age of sixteen (16) years shall operate a vehicle unless accompanied in the front passenger seat of the vehicle by a licensed driver with at least one (1) year of driving experience.

(ii) No Class D license shall be valid to carry passengers for hire without a "P" endorsement. No "P" endorsement shall be issued to any person under the age of eighteen (18) years.

(iii) Notwithstanding the provisions of this or any other section of this subchapter, any person who on January 1, 1990, has a valid operator's, chauffeur's, or for-hire chauffeur's license shall be entitled

to drive the vehicles authorized thereby until the date of expiration of such license, but not thereafter; provided, however, that any person driving a commercial motor vehicle as defined by this chapter on or after April 1, 1992, must first obtain a commercial driver license as required by this section.

(B) Class M. That license valid for the operation of any motorcycle which displaces more than two hundred fifty cubic centimeters (250 cc). No such license shall be issued to any person under sixteen (16) years of age.

(C) Class MD. That license valid for the operation of any motor-driven cycle which displaces two hundred fifty cubic centimeters (250 cc) or less. No such license shall be issued to any person under the age of fourteen (14) years. A Class MD license shall automatically expire upon the licensee's sixteenth birthday.

(3)(A) Endorsements are:

(i) "H" — authorizes the driver to drive a vehicle transporting hazardous material;

(ii) "T" — authorizes driving double and triple trailers;

(iii) "P" — authorizes driving vehicles carrying passengers or carrying passengers for hire;

(iv) "N" — authorizes driving tank vehicles;

(v) "X" — represents a combination of hazardous materials and tank vehicle endorsements;

(vi) "M" — authorizes the driver to drive a motorcycle;

(vii) "S" — authorizes the driver to operate a school bus; and

(viii) "MD" — authorizes the driver to operate a motor driven cycle.

(B) Restrictions are:

(i) "L" — no air brake-equipped commercial motor vehicle;

(ii) "Z" — no full air brake-equipped commercial motor vehicle;

(iii) "E" — no manual transmission-equipped commercial motor vehicle;

(iv) "O" — no tractor-trailer commercial motor vehicle;

(v) "M" — no Class A passenger vehicle;

(vi) "N" — no Class A or Class B passenger vehicle;

(vii) "K" — for intrastate only;

(viii) "V" — indicates there is information about a medical variance on the commercial driver license record for commercial driver licenses issued on or after January 30, 2012, if the Office of Driver Services is notified according to 49 C.F.R. § 383.73(o), as in effect on January 1, 2013, that the driver has been issued a medical variance;

(ix) "P" — no passengers in a commercial motor vehicle bus;

(x) "W" — only seasonal farm service vehicles;

(xi) "X" — no cargo in commercial tank vehicle; and

(xii) "7" — only diesel fuel and fertilizer vehicles.

(C) The restrictions contained in subdivisions (b)(3)(B)(ix) and (xi) of this section apply only to commercial learner's permits.

(c)(1) APPLICANT RECORD CHECK. Before issuing a commercial driver license, the Office of Driver Services must obtain driving record

information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(2) CRIMINAL BACKGROUND CHECK.

(A)(i) After January 30, 2005, before issuing a commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the Transportation Security Administration a criminal background check and evaluation which establish that the driver is not a security risk.

(ii) After May 31, 2005, before renewing or accepting a transferred commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the administration a criminal background check and evaluation which establish that the driver is not a security risk.

(B)(i) If the office denies issuance of a commercial driver license with a hazardous materials or "H" endorsement based on the criminal background check and evaluation performed by the administration, any person disqualified from transporting hazardous material who wishes to appeal that finding shall file an appeal to the administration under the rules, regulations, and guidelines of that agency.

(ii) The appeal process provided under federal law shall be the sole avenue to appeal the denial of the issuance of a commercial driver license under this section based upon the finding of the administration.

(d) NOTIFICATION OF LICENSE ISSUANCE. Within ten (10) days after issuing a commercial driver license, the office must notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

(e) EXPIRATION OF LICENSE. All driver licenses issued on and after January 1, 1990, shall be issued for a period of four (4) years from the date of issuance.

(f) AUTHORITY TO ADJUST ALL DRIVER LICENSE EXPIRATION PERIODS. The office, for whatever period of time is necessary, shall have the authority to promulgate rules and regulations to extend or shorten the term of any driver license period, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year. All driver licenses subject to change for the purpose of this chapter shall also be subject to adjustment of the license fee to ensure the proper license fee is assessed as set forth in this chapter and the change shall be carried out in a manner determined by the office.

(g) LICENSE RENEWAL PROCEDURES. When applying for renewal of a commercial driver license, the applicant must complete the application form required by § 27-23-110(a) providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

History. Acts 1989, No. 241, § 11; 1989 § 2; 2011, No. 352, § 4; 2013, No. 758, (3rd Ex. Sess.), No. 36, § 2; 1991, No. 164, § 15; 2015, No. 578, § 7.
 § 2; 1991, No. 852, § 2; 1993, No. 445, **Publisher's Notes.** For text of section
 § 38; 2003, No. 836, § 3; 2003, No. 842, effective January 1, 2022, see the follow-
 § 4; 2005, No. 136, § 1; 2007, No. 256, ing version.

27-23-111. Content of Commercial Driver License — Classifications — Expiration and renewal. [Effective January 1, 2022.]

(a) **CONTENT OF LICENSE.** The commercial driver license must be marked "Commercial Driver License" or "CDL", and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

- (1) The name and residential address of the person;
- (2) The person's color photograph;
- (3) A physical description of the person, including sex and height;
- (4) Date of birth;
- (5) A license number which shall be a nine-digit number assigned to the person by the Commissioner of Motor Vehicles;
- (6) The person's signature;
- (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
- (8) The name of this state; and
- (9) The dates between which the license is valid.

(b) **CLASSIFICATIONS, ENDORSEMENTS, AND RESTRICTIONS.** Commercial driver licenses may be issued with the following Class A, Class B, or Class C classifications, as well as the following endorsements and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license; all other driver licenses may be issued with the following Class D, Class M, or Class MD classifications:

(1) COMMERCIAL CLASSIFICATION.

(A) **Class A.** Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more, provided that the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds (10,000 lbs.). No Class A license shall be issued to any person under the age of eighteen (18) years.

(B) **Class B.** Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more, and any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs.). No Class B license shall be issued to any person under eighteen (18) years of age.

(C) Class C.

(i) Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds (26,001 lbs.) or any such

vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds (10,000 lbs.) comprising:

(a) Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

(b) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R., part 172, subpart F.

(ii) No Class C license shall be issued to any person under eighteen (18) years of age.

(2) OTHER CLASSIFICATIONS.

(A)(i) Class D. Any vehicle which is not a commercial vehicle, as defined by this chapter. No Class D license shall be issued to persons under the age of fourteen (14) years; provided, however, that no such licensee under the age of sixteen (16) years shall operate a vehicle unless accompanied in the front passenger seat of the vehicle by a licensed driver with at least one (1) year of driving experience.

(ii) No Class D license shall be valid to carry passengers for hire without a "P" endorsement. No "P" endorsement shall be issued to any person under the age of eighteen (18) years.

(iii) Notwithstanding the provisions of this or any other section of this subchapter, any person who on January 1, 1990, has a valid operator's, chauffeur's, or for-hire chauffeur's license shall be entitled to drive the vehicles authorized thereby until the date of expiration of such license, but not thereafter; provided, however, that any person driving a commercial motor vehicle as defined by this chapter on or after April 1, 1992, must first obtain a commercial driver license as required by this section.

(B) Class M. That license valid for the operation of any motorcycle which displaces more than two hundred fifty cubic centimeters (250 cc). No such license shall be issued to any person under sixteen (16) years of age.

(C) Class MD. That license valid for the operation of any motor-driven cycle which displaces two hundred fifty cubic centimeters (250 cc) or less. No such license shall be issued to any person under the age of fourteen (14) years. A Class MD license shall automatically expire upon the licensee's sixteenth birthday.

(3)(A) Endorsements are:

(i) "H" — authorizes the driver to drive a vehicle transporting hazardous material;

(ii) "T" — authorizes driving double and triple trailers;

(iii) "P" — authorizes driving vehicles carrying passengers or carrying passengers for hire;

(iv) "N" — authorizes driving tank vehicles;

(v) "X" — represents a combination of hazardous materials and tank vehicle endorsements;

(vi) "M" — authorizes the driver to drive a motorcycle;

(vii) "S" — authorizes the driver to operate a school bus; and

(viii) "MD" — authorizes the driver to operate a motor driven cycle.

(B) Restrictions are:

- (i) "L" — no air brake-equipped commercial motor vehicle;
- (ii) "Z" — no full air brake-equipped commercial motor vehicle;
- (iii) "E" — no manual transmission-equipped commercial motor vehicle;
- (iv) "O" — no tractor-trailer commercial motor vehicle;
- (v) "M" — no Class A passenger vehicle;
- (vi) "N" — no Class A or Class B passenger vehicle;
- (vii) "K" — for intrastate only;
- (viii) "V" — indicates there is information about a medical variance on the commercial driver license record for commercial driver licenses issued on or after January 30, 2012, if the Office of Driver Services is notified according to 49 C.F.R. § 383.73(o), as in effect on January 1, 2013, that the driver has been issued a medical variance;
- (ix) "P" — no passengers in a commercial motor vehicle bus;
- (x) "W" — only seasonal farm service vehicles;
- (xi) "X" — no cargo in commercial tank vehicle; and
- (xii) "7" — only diesel fuel and fertilizer vehicles.

(C) The restrictions contained in subdivisions (b)(3)(B)(ix) and (xi) of this section apply only to commercial learner's permits.

(c)(1) **APPLICANT RECORD CHECK.** Before issuing a commercial driver license, the Office of Driver Services must obtain driving record information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(2) **CRIMINAL BACKGROUND CHECK.**

(A)(i) After January 30, 2005, before issuing a commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the Transportation Security Administration a criminal background check and evaluation which establish that the driver is not a security risk.

(ii) After May 31, 2005, before renewing or accepting a transferred commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the administration a criminal background check and evaluation which establish that the driver is not a security risk.

(B)(i) If the office denies issuance of a commercial driver license with a hazardous materials or "H" endorsement based on the criminal background check and evaluation performed by the administration, any person disqualified from transporting hazardous material who wishes to appeal that finding shall file an appeal to the administration under the rules, regulations, and guidelines of that agency.

(ii) The appeal process provided under federal law shall be the sole avenue to appeal the denial of the issuance of a commercial driver license under this section based upon the finding of the administration.

(d) **NOTIFICATION OF LICENSE ISSUANCE.** Within ten (10) days after issuing a commercial driver license, the office must notify the Commercial

Driver License Information System of that fact, providing all information required to ensure identification of the person.

(e) **EXPIRATION OF LICENSE.** Except as provided in subsection (f) of this section, the Office of Driver Services shall issue a commercial driver license to a qualified applicant for a period of five (5) years from the date of issuance.

(f) **AUTHORITY TO ADJUST ALL COMMERCIAL DRIVER LICENSE EXPIRATION PERIODS.**

(1) The office may promulgate rules to extend or shorten the term of a commercial driver license period to ensure that approximately twenty percent (20%) of the total valid commercial driver licenses are renewable each fiscal year.

(2) A commercial driver license subject to change for the purpose of subdivision (f)(1) of this section shall also be subject to adjustment of the commercial driver license renewal fee to ensure the proper commercial driver license fee is assessed under this chapter and the change shall be carried out in a manner determined by the office.

(g) **LICENSE RENEWAL PROCEDURES.** When applying for renewal of a commercial driver license, the applicant must complete the application form required by § 27-23-110(a) providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

History. Acts 1989, No. 241, § 11; 1989 (3rd Ex. Sess.), No. 36, § 2; 1991, No. 164, § 2; 1991, No. 852, § 2; 1993, No. 445, § 38; 2003, No. 836, § 3; 2003, No. 842, § 4; 2005, No. 136, § 1; 2007, No. 256, § 2; 2011, No. 352, § 4; 2013, No. 758, § 15; 2015, No. 578, § 7; 2021, No. 753, § 2.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2021 amendment rewrote (e) and (f).

Effective Dates. Acts 2021, No. 753, § 4: Jan. 1, 2022.

27-23-112. Disqualification and cancellation.

(a)(1) A driver, holder of a commercial driver license, or a holder of a commercial learner's permit who is disqualified shall not drive a commercial motor vehicle.

(2) An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(3) A driver is subject to disqualification sanctions designated in this section if the holder of a commercial driver license or the holder of a commercial learner's permit drives a commercial motor vehicle or noncommercial motor vehicle and is convicted of violations.

(4) **DETERMINING FIRST AND SUBSEQUENT VIOLATIONS.** For purposes of determining first and subsequent violations of the offenses specified in this section, each conviction for any offense listed in this section resulting from a separate incident, whether committed in a commercial motor vehicle or noncommercial motor vehicle, shall be counted.

(5)(A) The Office of Driver Services may reinstate any driver disqualified for life for offenses described in subdivisions (b)(1)-(7) of this section after ten (10) years if that person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the Department of Health.

(B) Any person who has been reinstated in accordance with subdivision (a)(5)(A) of this section and who is subsequently convicted of a disqualifying offense described in subdivisions (b)(1)-(7) of this section shall not be reinstated.

(6) Notwithstanding any other provision of law, an Arkansas court shall not grant a restricted driving permit to operate a commercial motor vehicle.

(7) A disqualification period imposed by this section or by 49 C.F.R. § 383.51, as in effect on January 1, 2013, is in addition to any other previous period of disqualification.

(b) DISQUALIFICATION FOR MAJOR OFFENSES. Depending upon the type of vehicle a driver required to have a commercial learner's permit or a commercial driver license is operating at the time of the violation, a driver shall be disqualified as follows:

(1) If a driver operates a motor vehicle and is convicted of being intoxicated by drugs or alcohol as provided by § 5-65-103 or an equivalent federal law or law of another state or refuses to submit to chemical testing as provided by § 5-65-202 or an equivalent federal law or law of another state, the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life;

(2) If a driver operates a motor vehicle and is convicted of having a blood alcohol concentration in violation of § 27-23-114(a), the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life; and

(3) If a driver operates a motor vehicle and is convicted of leaving the scene of an accident, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor

vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life;

(4) If a driver operates a motor vehicle and is convicted of using the vehicle to commit a felony other than one described in subdivision (b)(7) of this section, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a holder of a commercial learner's permit shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life;

(5) If a driver operates a motor vehicle and is convicted of driving a commercial motor vehicle when the driver's commercial driver license or a commercial learner's permit is revoked, suspended, or canceled or if the driver is disqualified from operating a commercial motor vehicle as a result of prior violations committed while operating a commercial motor vehicle, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a

commercial learner's permit, or a commercial driver license holder or commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life;

(6) If a driver operates a motor vehicle and is convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including without limitation the crimes of murder, manslaughter, and negligent homicide, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life;

(7) If a driver operates a motor vehicle and is convicted of using the vehicle in the commission of a felony involving delivering, manufacturing, or trafficking a controlled substance in violation of §§ 5-64-419 — 5-64-442 or the former § 5-64-401, or an equivalent federal law or law of another state, the driver shall be disqualified as follows:

(A) For a conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commer-

cial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years; and

(B) For a conviction while operating a noncommercial motor vehicle, a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years; and

(8) If a driver operates a commercial motor vehicle and is convicted of using the commercial motor vehicle in the commission of a felony involving a severe form of trafficking in persons as defined in 22 U.S.C. § 7102(11), as in effect on January 1, 2021, the driver shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years.

(c) Disqualification for serious traffic violations, the offenses, and the periods for which a driver is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, shall be as follows:

(1) For a second conviction of any combination of serious traffic violations in a separate incident within a three-year period while operating a commercial motor vehicle or a suspension, revocation, or cancellation resulting from a conviction while operating a noncommercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for sixty (60) days; and

(2) For a third or subsequent conviction of any combination of serious traffic violations in a separate incident within a three-year period while operating a commercial motor vehicle or a conviction that results in suspension, revocation, or cancellation resulting from operating a noncommercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for one hundred twenty (120) days.

(d) A driver shall be disqualified if the driver is convicted of operating a commercial motor vehicle in violation of federal, state, or local law or regulation because of the following railroad crossing violations:

(1) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(2) For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear;

(3) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(4) For all drivers failing to have sufficient space to drive completely through the crossing without stopping;

(5) For all drivers failing to obey a traffic control device or the directions of the enforcement official at the crossing; and

(6) For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

(e) A driver convicted of an offense listed in subsection (d) of this section shall be disqualified:

(1) For at least sixty (60) calendar days for a first conviction;

(2) For at least one hundred twenty (120) calendar days for a second conviction within a three-year period; and

(3) For at least one (1) year for a third or subsequent conviction within a three-year period.

(f) A driver who violates an out-of-service order shall be disqualified as follows:

(1) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least one hundred eighty (180) days but not more than one (1) year;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least two (2) years but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(2) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, or while operating a vehicle designed to transport sixteen (16) or more passengers, including the driver, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least one hundred eighty (180) days but not more than two (2) years;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required

to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial learner's permit, or a commercial driver license holder or a commercial learner's permit holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years.

(g) Any driver disqualified by the administration under 49 C.F.R. § 383.52, as in effect on January 1, 2013, shall be disqualified by the office. The disqualification shall be concurrent with the disqualification ordered by the administration and shall be entered as part of the driver's record.

(h) Convictions, disqualifications, and other licensing action for violations as provided in this section shall be noted and retained by the office on a person's commercial driver license or commercial learner's permit record for the periods of time required under 49 C.F.R. §§ 384.225(d) and 384.231(d), as in effect on January 1, 2013.

(i) The commercial driver license record released by the office to the employer or prospective employer of a commercial driver pursuant to 49 C.F.R. § 384.225(c) and (e)(4), as in effect on January 1, 2013, shall be a complete record that includes any convictions, disqualifications, and other licensing actions for violations required to be retained on a commercial driver license or commercial learner's permit record under 49 C.F.R. §§ 384.225(d) and 384.231(d), as in effect on January 1, 2013.

History. Acts 1989, No. 241, § 12; §§ 5, 6; 2011, No. 570, § 128; 2013, No. 1993, No. 1257, § 6; 1995, No. 921, § 4; 758, § 16; 2021, No. 160, § 1.

1999, No. 1077, §§ 3, 4; 2001, No. 216, **Amendments.** The 2021 amendment
§ 1; 2003, No. 842, § 5; 2007, No. 370, added (b)(8).
§ 1; 2009, No. 456, §§ 8, 9; 2011, No. 352,

27-23-114. Commercial motor vehicle driving offenses and penalties — Definitions.

(a)(1) It is unlawful and punishable as provided in this subchapter for any person who is intoxicated to operate or be in physical control of a commercial motor vehicle. The term "intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination thereof, at such measurable level so that the driver's reactions, motor skills, and judgment are substantially altered, and the driver therefore constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.

(2) It is unlawful and punishable as provided in this subchapter for any person to operate or be in actual physical control of a commercial motor vehicle if at the time there was four-hundredths of one percent

(0.04%) or more by weight of alcohol in the person's blood as determined by a chemical test of the person's blood or breath or other body substances. For the purpose of this subchapter, there is no presumption, as there is found in § 5-65-206, that a person is not under the influence of an intoxicating substance if the person's blood alcohol concentration is five-hundredths of one percent (0.05%) or less.

(3) It shall be unlawful and punishable as provided in this subchapter for any person operating a commercial motor vehicle to leave the scene of an accident involving the commercial motor vehicle and resulting in any injury to or death of any person, in any damage to another vehicle, whether attended or unattended, or in any damage to any fixture legally upon the highway or adjacent to a highway. The person operating a commercial motor vehicle involved in any such accident shall be under a duty to stop his or her vehicle at the scene of the accident and render the same aid and give the same information as required by § 27-53-103.

(4) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to use a commercial motor vehicle in the commission of a felony.

(5) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to refuse to submit to a chemical test to determine the person's blood alcohol concentration while driving a commercial motor vehicle. A person driving a commercial motor vehicle requested to submit to such a chemical test shall be warned by the law enforcement officer that a refusal to submit to the test will result in that person's being disqualified from driving a commercial motor vehicle.

(b) Any person convicted of a violation of driving a commercial motor vehicle while intoxicated, driving a commercial motor vehicle while the person's blood alcohol concentration is four-hundredths of one percent (0.04%) or more, leaving the scene of an accident involving a commercial motor vehicle driven by the person, or using a commercial motor vehicle in the commission of any felony shall be deemed guilty of a Class B misdemeanor and shall be disqualified from driving a commercial motor vehicle as specified in § 27-23-112.

(c)(1) A law enforcement officer having reasonable cause to believe the person to have been driving a commercial motor vehicle while intoxicated or driving a commercial motor vehicle while the person's blood alcohol concentration was four-hundredths of one percent (0.04%) or more shall have the authority to administer or have administered a chemical test to determine the person's blood alcohol concentration. The chemical test authorized shall be identical to and under the same standards of the test given to persons under the Omnibus DWI or BWI Act, § 5-65-101 et seq.

(2)(A) At the time of an arrest under subdivision (a)(1), subdivision (a)(2), or subdivision (a)(5) of this section, the law enforcement officer shall seize the driver's license of the arrested person as provided by § 5-65-402, and the office shall disqualify the driving privileges of the

arrested person as provided by § 27-23-112 under the procedure in § 5-65-402.

(B) The arrested person shall have the same right to administrative and judicial review provided in § 5-65-402.

(d)(1) Every magistrate or judge of a court shall keep a record of every violation of this section presented to the court and shall keep a record of every official action taken by the court.

(2) Within five (5) days after a person has been found guilty, or pleaded guilty or nolo contendere on a charge of violating any provision of this section, every magistrate of the court or clerk of the court shall prepare and immediately forward to the Office of Driver Services an abstract, which shall be certified as true and correct, of the record of the court covering the case where a person was found guilty, or pleaded guilty or nolo contendere.

(3) The abstract shall be made on a form furnished by the office and shall include all items that the office shall determine as necessary.

(e) Any violation of the offenses found in subsection (a) of this section and the penalties and suspensions imposed for those violations shall be cumulative and in addition to the penalties and suspensions for any other offense or violation under a similar Arkansas motor vehicle traffic or criminal law.

(f) Upon determining that the driver has violated subdivision (a)(1) or subdivision (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court shall order an assessment of the driver's degree of repeated alcohol abuse and shall order treatment for alcohol abuse as a condition of sentencing if appropriate.

(g) Upon determining that the driver has violated subdivision (a)(1) or subdivision (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court may order the driver to perform no less than thirty (30) days of community service in lieu of imprisonment for a second offense or no less than sixty (60) days of community service in lieu of imprisonment for a third or subsequent offense.

(h)(1)(A) It is unlawful for a person to knowingly apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(B) It is unlawful to knowingly assist or permit any other person to apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(C) It is unlawful to knowingly enter false test scores or false information on any application for a commercial driver license.

(2)(A) A person who violates this subsection is guilty of an unclassified offense and may be fined an amount not to exceed five thousand dollars (\$5,000) or imprisoned up to one (1) year in jail, or both.

(B) Any fine collected under this subsection shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of

Finance and Administration on a form provided by the Administration of Justice Funds Section for deposit into the Division of Arkansas State Police Fund.

History. Acts 1989, No. 241, § 14; 1991, No. 643, § 2; 1999, No. 1077, §§ 5-7; 2003, No. 217, § 3; 2005, No. 76, § 2; 2005, No. 942, § 2; 2015, No. 299, § 35; 2017, No. 463, § 4.

Amendments. The 2017 amendment substituted “five (5) days” for “thirty (30) days” in (d)(2).

27-23-117. Driving record information to be furnished.

Notwithstanding any other provision of law to the contrary, the Office of Driver Services must furnish full information regarding the driving record of any person:

(1) To the driver license administrator of any other state, or province or territory of Canada, requesting that information;

(2) To any employer or prospective employer upon request and payment of a fee of ten dollars (\$10.00);

(3) To others, authorized to receive the information pursuant to § 27-50-906, upon request and payment of a fee of eight dollars and fifty cents (\$8.50).

History. Acts 1989, No. 241, § 17; 2019, No. 586, § 3.

substituted “eight dollars and fifty cents (\$8.50)” for “seven dollars (\$7.00)” in (3).

Amendments. The 2019 amendment

27-23-118. Distribution of fees. [Effective until January 1, 2022.]

(a) The fee set out in § 27-23-110(a) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Twenty dollars (\$20.00) shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund;

(2) One dollar (\$1.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(g); and

(3) The remaining twenty dollars (\$20.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(d).

(b) The fee set out in § 27-23-117(2) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Four dollars (\$4.00) of the fee shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be deposited to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(c) The fee set out in § 27-23-117(3) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) One dollar (\$1.00) of the fee shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund;

(2) Six dollars (\$6.00) of the fee shall be deposited to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.; and

(3) The remaining one dollar and fifty cents (\$1.50) of the fee shall be deposited to the credit of the Division of Arkansas State Police Fund.

(d) All fines, forfeitures, and penalties levied by any court for all offenses committed under this chapter shall be collected by the clerk of the court and remitted to the Revenue Division of the Department of Finance and Administration. They shall then be deposited as special revenues into the State Treasury to the credit of the Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund.

History. Acts 1989, No. 241, § 18; 1991, No. 1042, § 2; 2015, No. 702, § 1; 2019, No. 586, § 4.

Publisher's Notes. For text of section effective January 1, 2022, see the following version.

Amendments. The 2019 amendment substituted "Six dollars (\$6.00)" for "The remaining six dollars (\$6.00)" in (c)(2); and added (c)(3).

Effective Dates. Acts 2015, No. 702, § 7: Jan. 1, 2016.

27-23-118. Distribution of fees. [Effective January 1, 2022.]

(a) The fee set out in § 27-23-110(a) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Twenty-five dollars (\$25.00) shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund; and

(2) The remaining twenty-five dollars (\$25.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(d).

(b) The fee set out in § 27-23-117(2) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Four dollars (\$4.00) of the fee shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be deposited to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(c) The fee set out in § 27-23-117(3) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) One dollar (\$1.00) of the fee shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund;

(2) Six dollars (\$6.00) of the fee shall be deposited to the credit of the State Highway and Transportation Department Fund for distribution

as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.; and

(3) The remaining one dollar and fifty cents (\$1.50) of the fee shall be deposited to the credit of the Division of Arkansas State Police Fund.

(d) All fines, forfeitures, and penalties levied by any court for all offenses committed under this chapter shall be collected by the clerk of the court and remitted to the Revenue Division of the Department of Finance and Administration. They shall then be deposited as special revenues into the State Treasury to the credit of the Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund.

History. Acts 1989, No. 241, § 18; 1991, No. 1042, § 2; 2015, No. 702, § 1; 2019, No. 586, § 4; 2021, No. 753, § 3.

Publisher's Notes. For text of section effective until January 1, 2022, see the preceding version.

Amendments. The 2019 amendment substituted "Six dollars (\$6.00)" for "The remaining six dollars (\$6.00)" in (c)(2); and added (c)(3).

The 2021 amendment substituted "twenty-five dollars (\$25.00)" for "twenty dollars (\$20.00)" in (a)(1); deleted former (a)(2) and redesignated former (a)(3) as (a)(2); and substituted "twenty-five dollars (\$25.00)" for "twenty dollars (\$20.00)" in (a)(2).

Effective Dates. Acts 2015, No. 702, § 7: Jan. 1, 2016.

Acts 2021, No. 753, § 4: Jan. 1, 2022.

27-23-119. Exemption regulations.

In the event that it shall be determined by federal regulation that certain classes of drivers shall be exempt from the application of the Commercial Motor Vehicle Safety Act of 1986, Pub. L. No. 99-570, Title XII, the State Highway Commission shall have the authority to and shall promulgate rules to exempt those certain classes of drivers from the application of this subchapter.

History. Acts 1989, No. 241, § 19; 2015, No. 1158, § 6; 2019, No. 315, § 3131.

Amendments. The 2019 amendment deleted "and regulations" following "rules".

27-23-120. Rulemaking authority.

The Office of Driver Services and the Division of Arkansas State Police shall have the authority to adopt rules after consulting with, and with the concurrence of, the State Highway Commission and the Arkansas Highway Police Division of the Arkansas Department of Transportation, necessary to carry out the provisions of this subchapter.

History. Acts 1989, No. 241, § 20; 2017, No. 707, § 326; 2019, No. 315, § 3132.

Amendments. The 2017 amendment inserted "Division" following "Police", and

substituted "Department of Transportation" for "State Highway and Transportation Department".

The 2019 amendment deleted "and regulations" following "rules".

27-23-122. Enforcement.

The enforcement personnel of the State Highway Commission, the Arkansas Highway Police Division of the Arkansas Department of Transportation, and any certified law enforcement officer shall have the authority to enforce the provisions of this subchapter.

History. Acts 1989, No. 241, § 22; 2017, No. 707, § 327.

Amendments. The 2017 amendment inserted "Division" following "Police", and

substituted "Department of Transportation" for "State Highway and Transportation Department".

27-23-124. Commercial Driver License Fund.

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, a fund to be known as the "Commercial Driver License Fund" of the Revenue Division of the Department of Finance and Administration. The Commercial Driver License Fund shall consist of special revenues as set out in § 27-23-118, to be used to establish and maintain the Arkansas Commercial Driver License Program, and for other related purposes as required by the Secretary of the Department of Finance and Administration in carrying out the functions, powers, and duties of the division.

(b) On July 1, 1989, a loan to the Commercial Driver License Fund shall be made from the Budget Stabilization Trust Fund, in an amount or amounts to be determined by the Chief Fiscal Officer of the State, for the purpose of establishing the Arkansas Commercial Driver License Program. Loans to the Commercial Driver License Fund during the fiscal year ending June 30, 1990, shall be repaid to the Budget Stabilization Trust Fund on or before June 30, 1991. Provided, further loans to the Commercial Driver License Fund from the Budget Stabilization Trust Fund may be made after July 1, 1989. However, the loans made after July 1, 1990, must be repaid on or before the fiscal year in which the loans were made.

History. Acts 1989, No. 241, § 24; 2019, No. 910, § 4703.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-23-130. Prohibition against texting — Definition.

(a)(1) For purposes of this section, "driving" means operating a commercial motor vehicle with the motor running, including while temporarily stationary because of traffic, a traffic control device, or another momentary delay.

(2) For purposes of this section, "driving" does not include operating a commercial motor vehicle with or without the motor running when the driver moves the vehicle to the side of, or off, a highway, as defined

in 49 C.F.R. § 390.5, as in effect on January 1, 2011, and halts in a location in which the vehicle can safely remain stationary.

(b)(1) A driver of a commercial motor vehicle shall not engage in texting while driving.

(2) However, texting while driving is permissible by a driver of a commercial motor vehicle when necessary to communicate with a law enforcement official or other emergency service.

(c) A motor carrier shall not allow or require the motor carrier's drivers to engage in texting while driving.

(d) A person who is convicted of violating this section shall be:

(1) Guilty of a violation; and

(2) Fined not less than twenty-five dollars (\$25.00).

History. Acts 2011, No. 352, § 7; 2013, No. 758, § 20; 2019, No. 738, § 2.

Amendments. The 2019 amendment rewrote (d).

CHAPTER 24

SPECIAL LICENSE PLATE ACT OF 2005

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. MILITARY SERVICE AND VETERANS.
4. PUBLIC USE VEHICLES — STATE GOVERNMENT.
5. PUBLIC USE VEHICLES — FEDERAL GOVERNMENT.
6. NOMINAL FEE PLATES.
7. MEMBERS OF THE GENERAL ASSEMBLY.
8. CONSTITUTIONAL OFFICERS.
9. ARKANSAS STATE GAME AND FISH COMMISSION.
10. COLLEGES, UNIVERSITIES, AND ARKANSAS SCHOOL FOR THE DEAF.
11. AGRICULTURE EDUCATION.
12. AFRICAN-AMERICAN FRATERNITIES AND SORORITIES.
13. PUBLIC AND MILITARY SERVICE RECOGNITION.
14. SPECIAL INTEREST LICENSE PLATES.
16. DEPARTMENT OF PARKS, HERITAGE, AND TOURISM.
17. CONSERVATION DISTRICTS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 27-24-102. Purpose.
27-24-104. Reissuance.
27-24-105. Design.

SECTION.

- 27-24-107. Appeals.
27-24-111. Limitation on types of special license plates.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-102. Purpose.

The purpose of this chapter is to:

- (1) Implement a special license plate law that transfers the authority for approving special license plates to the Secretary of the Department of Finance and Administration;
- (2) Continue the special license plates that existed before April 13, 2005; and
- (3) Authorize the Department of Finance and Administration to administratively reissue each type of special license plate continued under this chapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4704. of Finance and Administration” for “Director of the Department of Finance and Administration” in (1).

Amendments. The 2019 amendment substituted “Secretary of the Department

27-24-104. Reissuance.

- (a) Every special license plate continued under this chapter shall be discontinued on April 7, 2007, unless an application that meets the criteria for issuance of the special license plate under the appropriate subchapter governing that type of plate is submitted and approved by the Secretary of the Department of Finance and Administration at least ninety (90) days prior to April 1, 2007.
- (b) The secretary shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the duties of the Department of Finance and Administration under this chapter, including, but not limited to:
 - (1) Rules regarding the disposal of old design special license plates;
 - (2) The fee for the design-use contribution, which shall be based on the cost of initial orders of new designs for special license plates; and
 - (3) The number of applications that must be received in lieu of the payment of the design-use contribution fee to cover the cost of the initial orders of new designs for special license plates.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4705, 4706. tor of the Department of Finance and Administration” in (a); and substituted

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in the introductory language of (b).

27-24-105. Design.

- (a) Unless otherwise provided in this chapter, the Secretary of the Department of Finance and Administration shall have the exclusive

power to design or approve the design used on a special license plate authorized under this chapter.

(b) A special license plate created and issued under this chapter after April 13, 2005, shall be designed to allow adequate space for the placement of the number and letter characters so that law enforcement officers can readily identify the characters.

(c)(1) A special license plate decal created and issued under this chapter after April 13, 2005, shall be placed across the bottom of the license plate in lieu of the legend "The Natural State" or any succeeding legend.

(2) A special license plate decal created and issued under this chapter shall be permanent.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4707.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-24-107. Appeals.

An appeal from a decision of the Secretary of the Department of Finance and Administration under this chapter shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4708.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-111. Limitation on types of special license plates.

(a) The types of special license plates issued under this chapter by the Department of Finance and Administration is limited to the total types of special license plates in existence on January 1, 2014.

(b) A new type of special license plate may be created and issued under this chapter only if an existing type of special license plate is:

(1) Repealed; or

(2) Discontinued as authorized under § 27-24-1003.

History. Acts 2013, No. 1355, § 1; 2019, No. 578, § 1.

Amendments. The 2019 amendment

deleted "a law authorizing" preceding "an existing type" in (b); added the (b)(1) designation; and added (b)(2).

SUBCHAPTER 2 — MILITARY SERVICE AND VETERANS

SECTION.

27-24-203. Definitions.

27-24-204. Military and veteran special license plates and decals generally.

27-24-205. Additional special license plates.

27-24-206. Fees and limitations.

SECTION.

27-24-208. Surviving spouse.

27-24-209. Redesign and simplification of military service and veterans special license plates.

27-24-211. Gold Star Family special license plates — Definitions.

SECTION.

27-24-213. Veterans of Foreign Wars.

27-24-215. Veterans of Lebanon Peace-keeping Mission.

Effective Dates. Acts 2017, No. 965, § 2: Nov. 13, 2017.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emer-

gency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-203. Definitions.

As used in this chapter:

(1) "Aid and attendance" means veterans benefits paid to a veteran who because of physical disability cannot take care of himself or herself and must be assisted by another person;

(2) "Disabled veteran" means an American veteran who:

(A) Is a citizen and resident of the State of Arkansas; and

(B) Has been determined by the United States Department of Veterans Affairs to be a disabled service-connected veteran who either:

(i) Is totally and permanently disabled and:

(a) Is the owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(b) Is issued a motor vehicle by the United States Department of Veterans Affairs under any public law; or

(ii) Meets the following criteria:

(a) Is at least thirty percent (30%) disabled; and

(b) Is the owner of a motor vehicle that is used by or for the disabled veteran;

(3) "Disabled veteran — nonservice injury" means any American veteran who:

(A) Is a citizen and resident of the State of Arkansas;

(B) Uses a wheelchair as a result of a nonservice-connected catastrophic injury;

(C) Receives aid and attendance by the United States Department of Veterans Affairs; and

(D) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs;

(4) "Disabled veteran — World War I" means a World War I veteran who:

(A) Received a disabling injury while serving in the United States Armed Forces during World War I; and

(B) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs;

(5)(A) "Merchant Marine" means a person who establishes that he or she:

(i) Served in the United States Merchant Marine during the period of October 1, 1940, through December 31, 1945; and

(ii) Is qualified to receive all applicable veterans benefits.

(B) A person shall establish that he or she was a Merchant Marine under this subchapter by presenting a copy of the certificate of release or DD Form 214 with his or her application;

(6) "Retired member of the armed forces" means a person who presents proof of retirement in the form of retirement orders issued by one (1) of the following services of the United States Armed Forces:

(A) The United States Army;

(B) The United States Navy;

(C) The United States Marine Corps;

(D) The United States Air Force;

(E) The United States Coast Guard;

(F) The Army National Guard;

(G) The Air National Guard; or

(H) The reserve components of the United States Armed Forces;

(7) "Vietnam Era Veteran" means a veteran who can establish active-duty service during the time of the Vietnam War by presenting his or her military service discharge record in the form of the certificate of release or DD Form 214; and

(8) "Vietnam Veteran" means a veteran who can establish that he or she received the Vietnam Service Medal by presenting his or her military service discharge record in the form of the certificate of release or DD Form 214.

History. Acts 2005, No. 2202, § 1; 2013, No. 1292, §§ 2, 3; 2015, No. 703, 2009, No. 632, § 1; 2013, No. 495, § 1; §§ 1, 2.

27-24-204. Military and veteran special license plates and decals generally.

(a) The following special license plates or license plates with permanent decals for members and veterans of the United States Armed Forces and similar entities that were in existence or authorized by enactment on or before April 13, 2005, shall continue to be issued by the

Secretary of the Department of Finance and Administration to an eligible applicant:

- (1) Disabled Veteran;
- (2) Disabled Veteran — World War I;
- (3) Disabled Veteran — Nonservice injury;
- (4) Medal of Honor Recipient;
- (5) Ex-Prisoner of War;
- (6) Military Reserve;
- (7) Pearl Harbor Survivor;
- (8) Merchant Marine;
- (9) World War II Veteran;
- (10) Korean War Veteran;
- (11) Vietnam Veteran;
- (12) Persian Gulf Veteran;
- (13) Armed Forces Veteran;
- (14) Distinguished Flying Cross;
- (15) Operation Iraqi Freedom Veteran; and
- (16) Operation Enduring Freedom Veteran.

(b) Beginning January 1, 2014, the secretary shall create and issue a permanent decal for a Vietnam Era Veteran consistent with § 27-24-209 to an eligible applicant.

(c)(1) The Purple Heart Recipient special license plate that existed before April 13, 2005, shall continue to be issued by the secretary to an eligible applicant.

(2) However, on the Purple Heart Recipient special license plates issued after April 13, 2005, the words “Purple Heart — Combat Wounded” shall appear.

(d) The secretary shall promulgate rules and forms to ensure that an owner of a motor vehicle who is issued a special license plate under this subchapter:

(1) Is eligible to be issued the particular special license plate based on his or her:

- (A) Status as a disabled veteran or veteran of a foreign war;
- (B) Status of being the recipient of a military honor;
- (C) Status of being an ex-prisoner of war; or
- (D) Past or present military service; and

(2) Either:

- (A) Has an honorable record of military service; or
- (B) Was honorably discharged from military service.

History. Acts 2005, No. 2202, § 1; 2007, No. 109, § 1; 2013, No. 495, § 2; 2019, No. 910, §§ 4709-4712.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in the introductory language of (a); and substituted “secretary” for “director” throughout the section.

27-24-205. Additional special license plates.

The Secretary of the Department of Finance and Administration shall examine the following factors to determine whether to create and issue additional special license plates under this subchapter:

(1) Whether an application for the creation of an additional special license plate under this subchapter has been filed by either:

(A) The Adjutant General of the State of Arkansas for a special license plate related to members of the National Guard and reserve components of the armed forces; or

(B) The Secretary of the Department of Veterans Affairs for a special license plate related to veterans or any other branch of the United States Armed Forces; and

(2) Whether there has been a recent armed conflict or war in which members of the United States Armed Forces, the National Guard, or the reserve components of the armed services have served.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 6337.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language; substituted "Adjutant General of

the State of Arkansas" for "Adjutant General for the State of Arkansas" in (1)(A); substituted "Secretary of the Department of Veterans Affairs" for "Director of the Department of Veterans Affairs" in (1)(B); and substituted "United States Armed Forces" for "armed forces of the United States" in (1)(B).

27-24-206. Fees and limitations.

(a)(1) Except as provided in subdivisions (a)(2) and (b)(2)(B) of this section and in § 27-24-213, special license plates created and issued under this subchapter shall be free of charge to an eligible applicant.

(2) To defray the cost of the issuance and renewal of the first special license plate under this subchapter, the Secretary of the Department of Finance and Administration may charge an annual fee for renewal not to exceed one dollar (\$1.00).

(b)(1) A person who is eligible to receive a special license plate under this chapter shall be limited to three (3) additional special license plates.

(2) An additional special license plate under subdivision (b)(1) of this section shall be issued:

(A) For a personal-use vehicle as defined under § 27-14-612; and

(B) Except as provided in subsection (c) of this section, upon payment of the fee for registering and licensing a motor vehicle under § 27-14-601.

(c) An eligible applicant for the issuance or renewal of any of the following special license plates may obtain one (1) additional special license plate upon payment of a fee not to exceed one dollar (\$1.00) and up to two (2) more additional special license plates under subdivision (b)(1) of this section:

(1) Pearl Harbor Survivor;

(2) Medal of Honor Recipient;

- (3) Disabled Veteran;
- (4) Disabled Veteran — World War I;
- (5) Purple Heart Recipient; or
- (6) A retired member of the United States Armed Forces under § 27-24-210.

(d)(1) Notwithstanding any law to the contrary, a fee shall not be charged for issuance and renewal of an ex-prisoner of war special license plate.

(2) An eligible applicant for the issuance or renewal of an ex-prisoner of war special license plate may obtain one (1) additional special license plate under this subchapter at no additional charge.

(e) An eligible applicant for the issuance or renewal of a military or veteran special license plate under this subchapter may elect to receive a standard Arkansas license plate instead of a military or veteran special license plate upon payment of one dollar (\$1.00).

History. Acts 2005, No. 2202, § 1; 2007, No. 101, § 1; 2007, No. 148, § 1; 2007, No. 239, § 1; 2009, No. 483, § 3; 2009, No. 632, § 2; 2013, No. 566, § 1; 2013, No. 619, § 1; 2013, No. 765, § 1; 2013, No. 991, § 2; 2017, No. 573, §§ 1, 2; 2019, No. 910, § 4713; 2021, No. 318, § 1.

Amendments. The 2017 amendment substituted “subsections (c) and (e)” for “subsection (c)” in (b)(1); and added (e).

The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the De-

partment of Finance and Administration” in (a)(2).

The 2021 amendment substituted “(b)(2)(B)” for “(b)(2)” in (a)(1); in (b)(1), deleted “Except as provided in subsections (c) and (e) of this section”, substituted “three (3) additional” for “two (2)”, and deleted “under this subchapter” at the end; rewrote (b)(2); and, in (c), deleted “under this subchapter” preceding “upon payment” and added “and up to two (2) more additional special license plates under subdivision (b)(1) of this section”.

27-24-208. Surviving spouse.

(a)(1) Except as provided in subdivisions (a)(2)-(4) of this section, a special license plate issued under this subchapter may be reissued to the surviving spouse of a deceased person to whom the special license plate was issued upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601.

(2) A special license plate issued to a disabled veteran under this subchapter may be reissued to the disabled veteran’s surviving spouse upon payment of the fee under § 27-24-206(a).

(3) A Purple Heart Recipient special license plate issued under this subchapter may be reissued free of charge to the surviving spouse of a deceased person to whom the special license plate was issued.

(4) A Distinguished Flying Cross special license plate issued under this subchapter may be reissued to the surviving spouse of a deceased person to whom the special license plate was issued upon payment of the fee under § 27-24-206(a).

(b) The surviving spouse of a deceased person who was entitled to receive a special license plate under this subchapter shall not be eligible for parking privileges in designated accessible parking spaces for

persons with disabilities unless the surviving spouse is a person with a disability as defined in § 27-15-302.

(c)(1) The Department of Finance and Administration is authorized to issue one (1) special license plate to an applicant who establishes that he or she is the surviving spouse of a deceased person who was entitled to receive any of the following special license plates:

- (A) Medal of Honor Recipient;
- (B) Purple Heart Recipient; or
- (C) Distinguished Flying Cross.

(2) A decal stating "Surviving Spouse" will be affixed to a special license plate reissued under subdivision (a)(1) of this section or issued under subdivision (c)(1) of this section in lieu of the standard decal appearing on a special license plate issued under this subchapter.

(3) The department may issue a surviving spouse a special license plate with a decal stating "Surviving Spouse" as authorized under subdivisions (c)(1) and (2) of this section upon:

- (A) Presentment of evidence that the applicant's deceased spouse was awarded the military decoration corresponding to the special license plate requested in the application; and
- (B) Payment of the fee required under § 27-24-206(a).

History. Acts 2005, No. 2202, § 1; 2013, No. 1069, § 1; 2017, No. 965, § 1; 2019, No. 167, § 1; 2019, No. 915, § 1; 2019, No. 993, § 1.

A.C.R.C. Notes. The amendment of this section by Acts 2019, No. 915, adding subsection (c), supersedes the amendment of this section by Acts 2019, No. 167. Acts 2019, No. 167, § 1, also added (c), which read:

"(c) The surviving spouse of a deceased person who would have been entitled to receive a Purple Heart Recipient special license plate under this subchapter may apply for and be issued a Purple Heart Recipient special license plate by providing:

"(1) Proof of the deceased person's eligibility under § 27-24-204(d); and

"(2) Payment of the fee under § 27-24-206(a)(2) to defray the cost of the issuance and renewal of the Purple Heart Recipient special license plate."

Amendments. The 2017 amendment substituted "subdivisions (a)(2) and (3)" for "subdivision (a)(2)" in (a)(1); and added (a)(3).

The 2019 amendment by No. 167 added (c).

The 2019 amendment by No. 915 added (c).

The 2019 amendment by No. 993 substituted "subdivisions (a)(2)-(4) of this section" for "subdivisions (a)(2) and (3) of this section" in (a)(1); and added (a)(4).

Effective Dates. Acts 2017, No. 965, § 2: Nov. 13, 2017.

27-24-209. Redesign and simplification of military service and veterans special license plates.

(a) The Office of Motor Vehicle shall redesign and simplify all military service and veterans special license plates issued under this subchapter that are in existence on September 1, 2009.

(b)(1) In place of the legend "The Natural State" at the bottom of the special license plate, a decal for a veteran of each conflict authorized under this subchapter shall be created.

(2) The design of the special license plate shall include a blank space that is sufficient for the branch decal under subsection (c) of this section or the medal decal under subsection (d) of this section.

(c)(1) The office shall design a branch decal based on the official emblem for each of the following:

- (A) The United States Army;
- (B) The United States Army Reserve;
- (C) The United States Navy;
- (D) The United States Navy Reserve;
- (E) The United States Marine Corps;
- (F) The United States Marine Corps Reserve;
- (G) The United States Air Force;
- (H) The United States Air Force Reserve;
- (I) The United States Coast Guard;
- (J) The United States Coast Guard Reserve;
- (K) The Army National Guard; and
- (L) The Air National Guard.

(2)(A) The office is to seek the advice and input of the Secretary of the Department of Veterans Affairs and the Adjutant General of the State of Arkansas on the design of the branch decal.

(B) The office shall comply with the provisions of 10 U.S.C. § 1057 and 10 U.S.C. § 7881.

(3) The branch decal shall be of a size to fit on the license plate next to the officially designated license plate number.

(4) The applicant shall establish that he or she served in the branch before the office issues the branch decal.

(5) If the applicant does not purchase a medal decal under subsection (d) of this section, an employee of the office shall affix the branch decal to the special license plate at the time of issuance to the applicant.

(6) There is no additional charge for a branch decal under this subsection.

(d)(1)(A) The office shall design and make available for issuance medal decals for no more than five (5) medals awarded by a branch of the United States Armed Forces by January 1, 2010.

(B) Every two (2) years following July 31, 2009, the office shall design and make available for issuance no more than five (5) additional medal decals awarded by a branch of the United States Armed Forces.

(2) The medal decal is to be designed based on the official medal that it represents.

(3) The office is to seek the advice and input of the secretary and the Adjutant General of the State of Arkansas on the design of the medal decal, which medal decals should be issued, and the timing of the issuance of the medal decals.

(4) The medal decal shall be of a size to fit on the license plate next to the officially designated license plate number.

(5) The applicant shall establish that he or she was awarded the medal before the office issues the medal decal.

(6) If an applicant purchases a medal decal under this subsection, an employee of the office shall affix the medal decal to the special license plate at the time of issuance to the applicant.

(7)(A) A fee of ten dollars (\$10.00) shall be charged for the medal decal under this subsection to be deposited to the credit of the Military Funeral Honors Fund.

(B) An additional handling and administrative fee of one dollar (\$1.00) shall be added to the cost of the medal decal under this subsection for administrative costs.

(8) The medal decal under this subsection is optional, and if it is not purchased, the applicant will receive a branch decal as provided under subsection (c) of this section.

(e) An applicant for a redesigned special license plate under this section shall meet the requirements of this subchapter.

(f) Except as provided under subdivision (d)(7)(A) of this section, the fee for issuance and renewal of a redesigned special license plate under this section shall be as provided in § 27-24-206.

(g) Military service special license plates issued under this subchapter before July 31, 2009, shall be valid and are not required to be exchanged until requested by the office.

(h) The office may use special license plates that were created and purchased under this subchapter before July 31, 2009.

History. Acts 2009, No. 784, § 1; 2019, No. 910, §§ 6338, 6339.

Amendments. The 2019 amendment substituted "Secretary of the Department of Veterans Affairs" for "Director of the Department of Veterans Affairs" in

(c)(2)(A); substituted "secretary" for "director" in (d)(3); and substituted "the Adjutant General of the State of Arkansas" for "The Adjutant General for the State of Arkansas" in (c)(2)(A) and (d)(3).

27-24-211. Gold Star Family special license plates — Definitions.

(a) The purpose of this section is to honor the family members of a deceased service member.

(b) The Department of Finance and Administration is authorized to issue one (1) Gold Star Family special license plate to an applicant who establishes upon initial application that he or she is a family member of a deceased service member.

(c) There is no cost for the issuance or renewal of the Gold Star Family special license plate under this section.

(d)(1) The Department of Finance and Administration shall design the Gold Star Family special license plates issued under this section as provided under this subsection.

(2) The design of the Gold Star Family special license plate shall include a large gold star on the left-hand side of the Gold Star Family special license plate and a decal at the bottom of the plate that states "Gold Star Family" in lieu of the legend "The Natural State" or any succeeding legend.

(3) An additional decal that states “combat-related death” may be placed on the Gold Star Family special license plate if the deceased service member was killed in action.

(e) A Gold Star Family special license plate is not transferable as provided under § 27-24-207.

(f) The registration of a Gold Star Family special license plate under this section may continue from year to year so long as it is renewed each year within the time and in the manner required by law.

(g)(1) A family member applying for a Gold Star Family special license plate authorized by subsection (b) of this section shall provide the Department of Finance and Administration with:

(A) Documentation showing classification of death as listed by the United States Secretary of Defense;

(B)(i) A Report of Casualty form, DD Form 1300, or a Serious Incident Report issued by the United States Armed Forces.

(ii) If the person applying for the Gold Star Family special license plate is not listed on a report under subdivision (g)(1)(B)(i) of this section, additional documentation shall be required by the Department of Finance and Administration to verify familial status, including without limitation a birth certificate or obituary; or

(C) Verification of eligibility for Dependency and Indemnity Compensation through the United States Department of Veterans Affairs, or other documentation which identifies a service-connected illness or injury as the cause of death of the deceased service member.

(2)(A) The Department of Finance and Administration may consult with the Department of the Military regarding supporting documentation that may be used by a family member to prove eligibility when applying for a Gold Star Family special license plate.

(B) However, the Department of Finance and Administration shall make the final decision as to whether or not the applicant is eligible to be issued a Gold Star Family special license plate.

(h) As used in this section:

(1) “Deceased service member” means a member of the United States Armed Forces who was killed or died in the honorable performance of his or her duty within one (1) year of receiving a service-connected injury or contracting a service-connected illness; and

(2) “Family member” means a spouse, parent, sibling, or child of a member of the United States Armed Forces, including without limitation:

(A) A birthmother or birthfather;

(B) A stepmother or stepfather;

(C) An adoptive parent;

(D) A biological child;

(E) An adopted child; or

(F) A stepchild.

History. Acts 2009, No. 685, § 1; 2017, No. 493, § 1; 2019, No. 635, § 1.

Amendments. The 2017 amendment added “Definitions” in the section head-

ing; rewrote (a) and (b); and added (g) and (h). added (d)(3); rewrote (g) and (h); and made a stylistic change.

The 2019 amendment inserted "Gold Star Family" throughout (d) and in (f);

27-24-213. Veterans of Foreign Wars.

(a) The purpose of this section is to honor the service of members of the Veterans of Foreign Wars by providing a special license plate that is available for issuance.

(b) It is found and determined by the General Assembly of the State of Arkansas that the men and women who have served our country overseas and risked their lives to secure our freedom should be honored by the issuance of a free special license plate as provided under this subchapter.

(c) The Department of Finance and Administration is authorized to issue a Veterans of Foreign Wars special license plate to an applicant who establishes upon initial application that he or she, by membership card or Life Member card, is a member of the:

- (1) Veterans of Foreign Wars;
- (2) Ladies Auxiliary to the Veterans of Foreign Wars;
- (3) Men's Auxiliary to the Veterans of Foreign Wars;
- (4) Auxiliary to the Veterans of Foreign Wars;
- (5) Junior Girls of the Ladies Auxiliary to the Veterans of Foreign Wars; or
- (6) Sons of the Veterans of Foreign Wars.

(d)(1) The Department of Finance and Administration shall design the special license plate issued under this section in consultation with the Department of Arkansas Veterans of Foreign Wars.

(2) In place of the legend "The Natural State" at the bottom of the special license plate, a permanent decal shall be made available for a veteran of each conflict as authorized under § 27-24-204(a), upon proof as required under § 27-24-204 that the applicant is eligible to be issued the decal.

(e) An applicant who qualifies for a special license plate under subdivision (c)(1) of this section:

- (1) Shall pay:

(A) A fundraising fee of ten dollars (\$10.00) for the issuance and renewal of the first special license plate; and

(B) An annual fee not to exceed one dollar (\$1.00) that the Secretary of the Department of Finance and Administration may charge for the issuance and renewal of the first special license plate; and

(2) May obtain and renew additional special license plates upon payment of a fundraising fee in the amount of ten dollars (\$10.00) and the fee for licensing a motor vehicle under § 27-14-601.

(f) An applicant who qualifies for a special license plate under subdivisions (c)(2)-(6) of this section shall pay a fundraising fee of ten dollars (\$10.00) and the fee for licensing a motor vehicle as provided in

§ 27-14-601 for the issuance and renewal of any license plate issued under this subsection.

(g) The fundraising fee of ten dollars (\$10.00) paid by any applicant on issuance or renewal of a special license plate under this section shall be remitted monthly to the Nick Bacon VFW Special Veterans Scholarship Fund.

History. Acts 2013, No. 991, § 3; 2015, No. 698, § 2; 2019, No. 910, § 4714.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (e)(1)(B).

27-24-215. Veterans of Lebanon Peacekeeping Mission.

(a) The Department of Finance and Administration is authorized to issue one (1) special license plate under this section to an applicant who establishes upon initial application that he or she is a veteran of the armed forces who served in Lebanon during the Lebanon Peacekeeping Mission.

(b)(1) The department shall design the special license plates issued under this section according to § 27-24-209.

(2) In lieu of the legend “The Natural State” or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the word “Lebanon”.

(c) A veteran of the armed forces who served in Lebanon during the Lebanon Peacekeeping Mission may apply for and annually renew a special license plate issued under this section as provided under § 27-24-206(a) and (b).

(d) Upon the initial application for a special license plate issued under this section, a veteran of the armed forces who served in Lebanon during the Lebanon Peacekeeping Mission shall provide adequate proof to the department that he or she meets the requirements of this section.

(e) The registration of a special license plate under this section may continue from year to year as long as it is renewed each year within the time and in the manner required by law.

History. Acts 2015, No. 1140, § 1.

SUBCHAPTER 4 — PUBLIC USE VEHICLES — STATE GOVERNMENT

SECTION.

27-24-401. Purpose.

27-24-402. Metal plates required on state highway vehicles.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and

operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the

fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-401. Purpose.

The purpose of this subchapter is to continue the State Highway Commission's exemption from the requirement to display motor vehicle license plates issued by the Secretary of the Department of Finance and Administration and to transfer the authority to the commission to determine by minute order whether additional metal plates should be issued.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4715.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-402. Metal plates required on state highway vehicles.

(a) The State Highway Commission shall not be required to purchase a license plate from the Department of Finance and Administration for a motor vehicle, truck, or trailer owned or leased by the Arkansas Department of Transportation or as otherwise determined by minute order of the commission.

(b)(1) The commission shall procure and place upon each vehicle owned or leased by the Arkansas Department of Transportation a metal plate that contains legible:

(A) Words that state that the vehicle upon which the plate is placed belongs to the Arkansas Department of Transportation; and

(B) Numbers that correlate with a list of all metal plates placed on vehicles that belong to the Arkansas Department of Transportation.

(2) The commission shall keep and maintain a complete list that includes:

(A) The number of all metal plates placed upon vehicles belonging to the Arkansas Department of Transportation; and

(B)(i) A description of the vehicle on which each plate is placed.

(ii) The description shall include the vehicle identification number, the motor number, the model number, or other unique identification of the vehicle.

History. Acts 2005, No. 2202, § 1; 2017, No. 707, § 328.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department" throughout the section.

SUBCHAPTER 5 — PUBLIC USE VEHICLES — FEDERAL GOVERNMENT

SECTION.

27-24-501. Federal government exemption.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-501. Federal government exemption.

(a) A vehicle shall be exempt from the requirement to exhibit a state license plate if it:

- (1) Belongs to the federal government; and
- (2) Is used by the federal government exclusively for federal government business.

(b) A vehicle that is exempt under subsection (a) of this section is required to exhibit a special license plate that states that the vehicle is owned by the federal government.

(c) The Secretary of the Department of Finance and Administration shall approve the design and form of a special license plate used under this section.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4716.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (c).

SUBCHAPTER 6 — NOMINAL FEE PLATES

SECTION.

- 27-24-603. Existing special license plates.
- 27-24-604. Additional special license plates.
- 27-24-606. Religious organizations.
- 27-24-607. Youth groups.

SECTION.

- 27-24-608. 4-H clubs.
- 27-24-609. Volunteer rescue squads.
- 27-24-610. Boy Scouts of America.
- 27-24-612. Orphanages.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-603. Existing special license plates.

The miscellaneous nominal fee special license plates with the specific eligibility criteria that were in existence before April 13, 2005, and that are contained in this subchapter shall continue to be issued by the Secretary of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4717.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-604. Additional special license plates.

The Secretary of the Department of Finance and Administration may create and issue additional special license plates under this subchapter if:

- (1) A nonprofit public service organization applies for the issuance of an additional nominal fee special license plate under this subchapter;
- (2) The creation and issuance of the special license plate will have a minimal annual fiscal and budgetary impact as determined by the secretary; and
- (3) The special license plate may only be obtained by a limited group of owners of motor vehicles who meet the specific eligibility criteria to obtain the special license plate for a purpose exclusively related to their eligibility.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4718, 4719.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in the introductory language; and substituted "secretary" for "director" in (2).

27-24-606. Religious organizations.

(a)(1) The pastor, minister, priest, rabbi, or other person in charge of a religious organization and the chair of the governing body of the religious organization may apply to the Secretary of the Department of Finance and Administration for the issuance of a church bus special

license plate to be used exclusively on church buses owned and operated by the religious organization.

(2)(A) The application for a special license plate under this section shall include an affidavit that:

(i) Is signed by each applicant; and

(ii) States that the motor vehicle to which the special license plate shall be attached is a church bus as defined under this subchapter.

(B)(i) If an application submitted under this section contains statements made with the intent to evade the provisions of this subchapter, then the affiant is guilty of perjury.

(ii) If an affiant under this section pleads guilty to, pleads nolo contendere to, or is found guilty of perjury, then the affiant shall be punished as provided in any other conviction of perjury.

(b) This section shall not relieve a religious organization from the payment of gross receipts tax or compensating use tax on the purchase of a church bus.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4720.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1).

27-24-607. Youth groups.

(a) A civic club, person, or entity that furnishes to a youth group a motor vehicle that is used exclusively for youth group purposes may apply to the Secretary of the Department of Finance and Administration for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are operated for the purposes of the youth group.

(b) A youth group that owns and operates a motor vehicle that is used exclusively for youth group purposes may apply to the secretary for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are owned by the youth group and operated for the purposes of the youth group.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4721.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

27-24-608. 4-H clubs.

(a) A civic club, person, or entity that furnishes to a 4-H club a motor vehicle that is used exclusively for 4-H club purposes may apply to the Secretary of the Department of Finance and Administration for the issuance of a 4-H club special license plate to be used exclusively on motor vehicles that are operated for the purposes of the 4-H club.

(b) A 4-H club that owns and operates a motor vehicle that is used exclusively for 4-H club purposes may apply to the secretary for the issuance of a 4-H club special license plate to be used exclusively on

motor vehicles that are owned by the 4-H club and operated for the purposes of the 4-H club.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4722.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

27-24-609. Volunteer rescue squads.

(a) A person or entity that owns a motor vehicle that is used exclusively by volunteer rescue squads may apply to the Secretary of the Department of Finance and Administration for the issuance of a volunteer rescue squad special license plate to be used exclusively on motor vehicles that are operated for the purposes of the volunteer rescue squad.

(b) A motor vehicle licensed under this section shall:

(1) Be painted a distinguishing color; and

(2) Clearly and conspicuously display the identity of the volunteer rescue squad in letters and figures not less than three inches (3") in height.

(c) A motor vehicle purchased for the exclusive use by a volunteer rescue squad shall be exempt from the gross receipts and compensating use tax.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4723.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-24-610. Boy Scouts of America.

A civic club, person, or entity that furnishes a bus or truck for exclusive use for Boy Scouts of America purposes may apply to the Secretary of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the scouts.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4724.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-612. Orphanages.

(a) The head of an orphanage in the State of Arkansas may apply to the Secretary of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the orphanage.

(b) The application shall include an affidavit on a form prescribed by the secretary that is signed by the applicant and which states that the motor vehicle to which the special license plate shall be attached is

owned or exclusively leased by the orphanage and used exclusively for functions related to the orphanage.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4725.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in (b).

SUBCHAPTER 7 — MEMBERS OF THE GENERAL ASSEMBLY

SECTION.

- 27-24-702. Special license plates.
- 27-24-703. Members of Senate.

SECTION.

- 27-24-704. Members of House of Representatives.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-702. Special license plates.

The Secretary of the Department of Finance and Administration shall furnish each member of the General Assembly a special license plate for his or her personal motor vehicle as provided in this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4726.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration”.

27-24-703. Members of Senate.

(a)(1) The Secretary of the Department of Finance and Administration shall each year cause to be prepared thirty-nine (39) special license plates for members and selected staff of the Senate and deliver them to the Secretary of the Senate for distribution.

(2) The special license plates shall be numbered consecutively “1” — “37”.

(b) Upon each of the special license plates there shall appear the word “Senator” in addition to other identification information as the Secretary of the Department of Finance and Administration with the

approval of the Senate Efficiency Committee and subject to the approval of the Senate.

(c)(1) The special license plate numbered "1" shall be reserved for the President Pro Tempore of the Senate.

(2) On or before January 15 of each odd-numbered year, the Secretary of the Senate as directed by the Senate Efficiency Committee shall furnish the Secretary of the Department of Finance and Administration with a list of the names of members of the Senate and shall designate the special license plate number that shall be reserved for each member of the Senate.

(3)(A) The words "President Pro Tem" shall appear on special license plate number "1".

(B) [Repealed.]

(C) The words "Secretary of the Senate" shall appear on special license plate number "36".

(D) The words "Senate Chief of Staff" shall appear on special license plate number "37".

(E)(i) The word "Senator" shall appear on the standard Senate special license plate numbers "1" through "35".

(ii) The assignment of the numbers "1" through "35" shall be made by the Senate Efficiency Committee.

(d) A member of the Senate who desires to obtain special license plates may obtain them by applying to the Secretary of the Department of Finance and Administration upon forms to be provided by him or her and upon the payment of all taxes and fees that may be due.

History. Acts 2005, No. 2202, § 1; 2017, No. 448, § 31; 2019, No. 910, §§ 4727-4730.

Amendments. The 2017 amendment repealed (c)(3)(B).

The 2019 amendment substituted "Secretary of the Department of Finance and

Administration" for "Director of the Department of Finance and Administration" in (a)(1); substituted "Secretary of the Department of Finance and Administration" for "director" in (b), (c)(2), and (d); and substituted "Secretary of the Senate" for "secretary" in (c)(2).

27-24-704. Members of House of Representatives.

(a)(1) The Secretary of the Department of Finance and Administration shall each calendar year cause to be prepared two (2) sets as deemed necessary by the House Management Committee of one hundred seven (107) special license plates for members of the House of Representatives and selected staff.

(2) In addition, there will be two (2) sets or the number of sets deemed necessary by the House Management Committee of one hundred (100) "Member" special license plates prepared for distribution.

(3) Upon receipt of the plates, the secretary shall deliver them to the Speaker of the House of Representatives for issuance.

(b)(1) The background of the special license plate and the words, figures, and emblems shall be in the colors requested by the House of Representatives by resolution duly adopted by that body.

(2) Each special license plate shall also contain figures showing the calendar year for which the license is issued and other words, emblems, and identifying information.

(3) The special license plates issued under this section shall be numbered consecutively "0" through "100" and the words "House of Representatives" shall appear on the standard House of Representatives special license plates and on the "Member" special license plates.

(4) The following seven (7) special license plates shall be prepared as follows:

(A) The words "Speaker of the House" shall appear on special license plate "1";

(B) The words "House Speaker Pro Tem" shall appear on special license plate "2";

(C) The words "House Parliamentarian" shall appear on special license plate "3X";

(D) The words "xHouse Parliamentarian" shall appear on the special license plate "x3x";

(E) The words "House Chief of Staff" shall appear on special license plate "3";

(F) The words "House Info Director" shall appear on special license plate "0"; and

(G) The words "Chaplain of the House" shall appear on special license plate "4".

(c) On or before January 15 of each year, the Speaker of the House of Representatives shall furnish the secretary with a list of names of members of the House of Representatives designating:

(1) The special license plate number that shall be reserved for each member; and

(2) The number of vehicles to which the special license plate is to be attached, specifying each vehicle's regular license plate number issued by the Department of Finance and Administration and the vehicle identification number.

(d) Any member of the House of Representatives who desires to obtain a special license plate may obtain it by applying to the Speaker of the House of Representatives upon showing proof that the vehicle to which the special license plate is to be attached is properly registered and licensed in Arkansas.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4731-4733.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (a)(3) and (c).

SUBCHAPTER 8 — CONSTITUTIONAL OFFICERS

SECTION.

27-24-802. Special license plates authorized.

SECTION.

27-24-803. Constitutional Officer special license plate.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-802. Special license plates authorized.

The Secretary of the Department of Finance and Administration shall furnish each constitutional officer a Constitutional Officer special license plate for his or her personal motor vehicles under this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4734.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-803. Constitutional Officer special license plate.

(a)(1) The Secretary of the Department of Finance and Administration shall each year cause to be prepared seven (7) special license plates for the constitutional officers.

(2) The special license plates shall be numbered consecutively "01" — "07".

(b)(1) Upon each of the special license plates there shall appear the words "Constitutional Officer" in addition to the other identifying information as the Secretary of the Department of Finance and Administration shall determine.

(2) Each constitutional officer is entitled to the issuance of a special license plate for up to two (2) personal motor vehicles.

(c)(1) The special license plate numbered "01" shall be reserved for the Governor.

(2) On or before January 15 of each odd-numbered year, the Governor shall furnish the Secretary of the Department of Finance and Administration with a list of the names of the constitutional officers, and each other officer shall furnish the Governor with the name of any other person who may display the special license plate.

(3)(A) The number "01" shall appear on the special license plate for the Governor.

(B) The number "02" shall appear on the special license plate for the Lieutenant Governor.

(C) The number "03" shall appear on the special license plate for the Secretary of State.

(D) The number “04” shall appear on the special license plate for the Attorney General.

(E) The number “05” shall appear on the special license plate for the Treasurer of State.

(F) The number “06” shall appear on the special license plate for the Auditor of State.

(G) The number “07” shall appear on the special license plate for the Commissioner of State Lands.

(d) A constitutional officer who desires to obtain special license plates may obtain them by applying to the Secretary of the Department of Finance and Administration upon forms to be provided by the Secretary of the Department of Finance and Administration and by paying the taxes and fees that may be due.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4735-4738.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Direc-

tor of the Department of Finance and Administration” in (a)(1); and substituted “Secretary of the Department of Finance and Administration” for “director” in (b)(1), (c)(2), and twice in (d).

SUBCHAPTER 9 — ARKANSAS STATE GAME AND FISH COMMISSION

SECTION.

27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.

SECTION.

27-24-903. Existing special license plates.
27-24-904. Additional special license plates.
27-24-906. License plate options.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.

(a) The Arkansas State Game and Fish Commission shall continue to be issued special license plates to be displayed on its motor vehicles in lieu of the regular motor vehicle license plates prescribed by law.

(b) The special license plates to be issued to the commission and displayed on its vehicles shall be designed by the commission with the approval of the Secretary of the Department of Finance and Administration.

(c) Nothing in this section shall exempt the commission from the payment of the annual fees prescribed by law for the registration of its motor vehicles.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4739.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (b).

27-24-903. Existing special license plates.

(a) Except as provided in subsection (b) of this section, the Secretary of the Department of Finance and Administration shall continue the Arkansas State Game and Fish Commission special license plates that existed before April 13, 2005.

(b)(1) The commission may request that the Department of Finance and Administration discontinue one (1) or more special license plates that existed before April 13, 2005.

(2) To request a discontinuance of one (1) or more special license plates under this subchapter, the commission shall present a resolution to the secretary stating which plates the department is to discontinue.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4740, 4741.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b)(2).

27-24-904. Additional special license plates.

(a)(1) The Secretary of the Department of Finance and Administration shall accept requests from the Arkansas State Game and Fish Commission to create and issue additional special license plates under this subchapter.

(2) The commission shall submit with the request for an additional special license plate a proposed design for the approval of the secretary.

(b) When considering a request from the commission for an additional special license plate, the secretary shall consider the following factors:

(1) The current supply and demand of the existing commission special license plates;

(2) The administrative cost to the Department of Finance and Administration for issuance of an additional commission special license plate; and

(3) The estimated demand for the additional special license plate requested by the commission.

(c)(1) If the request is approved, the secretary shall determine:

- (A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;
- (B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or
- (C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.
- (2)(A) The fee remitted under subdivision (c)(1) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.
- (B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.
- (C) The fee shall not be considered or credited to the division as direct revenue.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4742-4744.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(1); and substituted “secretary” for “director” in (a)(2) and the introductory language of (b) and (c)(1).

27-24-906. License plate options.

- A motor vehicle owner applying for a special license plate under this subchapter may:
- (1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or
- (2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.
- (B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Secretary of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4745.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (2)(B).

SUBCHAPTER 10 — COLLEGES, UNIVERSITIES, AND ARKANSAS SCHOOL FOR THE DEAF

SECTION.	SECTION.
27-24-1001. Purpose.	27-24-1007. License plate options.
27-24-1002. Definition.	27-24-1010. Arkansas School for the Deaf.
27-24-1003. Existing special license plates.	
27-24-1004. Additional special license plates.	

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-1001. Purpose.

The purpose of this subchapter is to:

(1) Continue the special license plates for colleges and universities that existed before April 13, 2005, to support higher education in the state by providing additional funding for academic or need-based scholarships and to transfer the authority to the Department of Finance and Administration to issue additional college and university special license plates; and

(2) Authorize a special license plate for the Arkansas School for the Deaf, which is accredited by an accrediting agency recognized by the United States Department of Education and has students up to twenty-one (21) years of age.

History. Acts 2005, No. 2202, § 1; 2011, No. 726, § 1; 2015, No. 865, § 14; 2015, No. 1158, § 7.

A.C.R.C. Notes. Acts 2015, No. 1158, § 14, provides that to the extent that Act 1158 conflicts with a substantive Act, Act 1158 is superseded.

Pursuant to Acts 2015, No. 1158, § 14, subdivision (2) is set out above as

amended by Acts 2015, No. 865, § 14. Subdivision (2) was also amended by Acts 2015, No. 1158, § 7, to read as follows: "(2) Authorize a special license plate for the Arkansas School for the Deaf, which is accredited by the Higher Learning Commission and has students up to twenty-one (21) years of age."

27-24-1002. Definition.

As used in this subchapter, "college or university" means a public or private college or university that:

- (1) Offers either a two-year or four-year degree program;
- (2) Is located in the State of Arkansas;
- (3) Is accredited by an accrediting agency recognized by the United States Department of Education;
- (4) Certifies to the Division of Higher Education that its students are accepted for transfer at institutions accredited by an accrediting agency recognized by the United States Department of Education; and
- (5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin in compliance with state and federal law.

History. Acts 2005, No. 2202, § 1; 2011, No. 595, § 1; 2015, No. 865, § 15; 2015, No. 1158, § 8.

A.C.R.C. Notes. Acts 2015, No. 1158, § 14, provides that to the extent that Act 1158 conflicts with a substantive Act, Act 1158 is superseded.

Pursuant to Acts 2015, No. 1158, § 14, subdivision (3) is set out above as amended by Acts 2015, No. 865, § 15. Subdivision (3) was also amended by Acts 2015, No. 1158, § 8, to read as follows: "(3) Is accredited by the Higher Learning Commission;"

27-24-1003. Existing special license plates.

(a) Except as provided in subsection (b) of this section, the Secretary of the Department of Finance and Administration shall continue the collegiate special license plates that existed before April 13, 2005.

(b)(1) The board of trustees of a college or university may request that the Department of Finance and Administration discontinue the college's or university's special license plate.

(2) To request a discontinuance of a special license plate issued under this subchapter, the board of trustees of the college or university shall present a resolution to the secretary requesting the department to discontinue the college's or university's special license plate.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4746, 4747.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b)(2).

27-24-1004. Additional special license plates.

(a)(1) The Secretary of the Department of Finance and Administration shall accept requests from the board of trustees of a college or university to create and issue a special license plate under this subchapter for the college or university.

(2) The board of trustees shall submit with the request for a special license plate a proposed design for the approval of the secretary.

(b) The secretary shall approve one (1) design for a special license plate for each college or university that requests a special license plate.

(c) The secretary shall determine:

(1) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(d) The secretary shall issue additional special license plates as provided under this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4748.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and

Administration" in (a)(1); and substituted "secretary" for "director" throughout the section.

27-24-1007. License plate options.

A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Secretary of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4749.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (2)(B).

27-24-1010. Arkansas School for the Deaf.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for the Arkansas School for the Deaf in the manner and subject to the conditions provided under this subchapter.

(b) The special Arkansas School for the Deaf motor vehicle license plate shall:

(1) Be designed by the Department of Finance and Administration in consultation with the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf;

(2) Contain the words "Arkansas School for the Deaf" and a picture showing the American Sign Language hand shape for "I Love You"; and

(3) Be numbered consecutively.

(c) The secretary shall determine the amount of the cost for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design that shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The department shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas School for the Deaf Foundation, Inc., to be used for foundation purposes; and

- (3)(A) A handling and administrative fee of ten dollars (\$10.00).
- (B) The handling and administrative fee shall be:
- (i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and
- (ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.
- (C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.
- (e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1005.
- (2) However, the division shall remit the fees collected under § 27-24-1005(b)(2) on a monthly basis to the Arkansas School for the Deaf Foundation, Inc.

History. Acts 2011, No. 726, § 4; 2019, No. 910, §§ 4750, 4751.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in the introductory language of (c).

SUBCHAPTER 11 — AGRICULTURE EDUCATION

SECTION.	SECTION.
27-24-1102. Definition.	27-24-1105. Design and approval procedure.
27-24-1103. Existing special license plate.	
27-24-1104. Additional special license plates.	

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-1102. Definition.

As used in this subchapter, “college or university” means a public or private college or university that:

- (1) Offers a four-year degree program in agriculture or agriculture-related studies;
- (2) Is located in the State of Arkansas;
- (3) Is accredited by an accrediting agency recognized by the United States Department of Education;
- (4) Certifies to the Division of Higher Education that its students are accepted for transfer at institutions accredited by an accrediting agency recognized by the United States Department of Education; and
- (5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin, in compliance with state and federal law.

History. Acts 2005, No. 2202, § 1; 2015, No. 865, § 16; 2015, No. 1158, § 9; 2019, No. 910, § 2410.

A.C.R.C. Notes. Acts 2015, No. 1158, § 14, provides that to the extent that Act 1158 conflicts with a substantive Act, Act 1158 is superseded.

Pursuant to Acts 2015, No. 1158, § 14, subdivision (3) is set out above as amended by Acts 2015, No. 865, § 16.

Subdivision (3) was also amended by Acts 2015, No. 1158, § 9, to read as follows: "(3) Is accredited by the Higher Learning Commission;"

Amendments. The 2019 amendment, in (4), substituted "Division of Higher Education" for "Department of Higher Education" and "United States" for "federal".

27-24-1103. Existing special license plate.

The special license plate for the Division of Agriculture of the University of Arkansas that was in existence before April 13, 2005, shall continue to be issued by the Secretary of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4752.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-1104. Additional special license plates.

The Secretary of the Department of Finance and Administration shall accept requests for a special license plate for the agriculture division, department, or program of a college or university under this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4753.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-1105. Design and approval procedure.

(a) The board of trustees of a college or university shall submit with its request for a special license plate for its agriculture program a proposed design for the approval of the Secretary of the Department of Finance and Administration.

(b) The secretary shall approve one (1) design for an agriculture-related special license plate for each college or university that requests or currently has a special license plate.

(c)(1) If the secretary approves the request, the secretary shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2)(A) The fee remitted under this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

(d)(1) A college or university may submit a newly designed special license plate for approval and issuance by the secretary not more than one (1) time in each period of five (5) years under this subchapter.

(2) If the secretary approves a request, then the secretary shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4754-4757.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" throughout the section.

SUBCHAPTER 12 — AFRICAN-AMERICAN FRATERNITIES AND SORORITIES

SECTION.	SECTION.
27-24-1204. Additional special license plates.	27-24-1206. Issuance — Renewal — Replacement.
27-24-1205. Design and approval procedure.	

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-1204. Additional special license plates.

The Secretary of the Department of Finance and Administration shall accept requests for a special license plate for an African-American fraternity or sorority that exists at a college or university in the State of Arkansas under this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4758.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration".

27-24-1205. Design and approval procedure.

(a) The design for a special license plate issued under this subchapter that commemorates an African-American fraternity or sorority shall be designed by the African-American fraternity or sorority and shall be submitted for the approval of the Secretary of the Department of Finance and Administration.

(b) The secretary shall approve one (1) design for each participating African-American fraternity or sorority.

(c)(1) If the secretary approves the design, the secretary shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(d) The secretary shall promulgate reasonable rules and prescribe the forms necessary for effectively carrying out the intent and purposes of this subchapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 315, § 3133; 2019, No. 910, §§ 4759-4761.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (d).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” throughout the section.

27-24-1206. Issuance — Renewal — Replacement.

(a) An owner of a motor vehicle who meets the following criteria may apply for and annually renew a special license plate under this subchapter:

(1) Is a certified member or alumni member of the African-American fraternity or sorority for which he or she is seeking a special license plate;

(2) Is a resident of the State of Arkansas;

(3) Is otherwise eligible to license a motor vehicle in this state; and

(4) Pays the additional fees for the special license plate as required under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars (\$25.00) to be determined by the Secretary of the Department of Finance and Administration to cover the design-use contribution by the African-American fraternity or sorority or for fundraising purposes; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis as provided under § 27-24-1207.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate issued under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4762.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (b)(2).

SUBCHAPTER 13 — PUBLIC AND MILITARY SERVICE RECOGNITION

SECTION.

27-24-1303. Firefighters.

27-24-1306. Emergency medical services professionals.

27-24-1307. Additional public service special license plates with decals.

SECTION.

27-24-1311. Professional firefighters.

27-24-1315. [Repealed.]

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

27-24-1303. Firefighters.

(a) The Department of Finance and Administration shall continue the special license plate for firefighters that existed before April 13, 2005.

(b) The department shall seek the advice of the Arkansas Fire Protection Services Board before changing the design of the special license plate under this section.

(c)(1) A firefighter may apply for and annually renew special license plates issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(C) An additional fee of five dollars (\$5.00) to be remitted monthly to the board.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle and an additional fee of five dollars (\$5.00) to be remitted monthly to the Arkansas State Firefighters Association.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars (\$10.00).

(d)(1) Upon the initial application for a special license plate issued under this section, the firefighter shall provide adequate proof to the department that he or she is:

(A) Certified by the board as a firefighter; or

(B) Retired from active service as a firefighter at the time of applying for renewal.

(2) This subsection shall not require a person who has been issued a license plate under this section to present adequate proof of his or her status as a firefighter or retired firefighter to the department for the renewal of his or her license and registration.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) The department shall offer a banner or tape to be attached to the special license plates issued under this section that states "Retired".

(2) The "Retired" banner or tape shall be made available to a license plate holder who establishes that he or she is a firefighter retired from active service as provided under this section.

(3) This subsection shall not be construed to require a person who has been issued a "Retired" banner or tape under this section to present

adequate proof of his or her status as a retired firefighter for the renewal of his or her license and registration.

History. Acts 2005, No. 2202, § 1;
2011, No. 639, § 1; 2013, No. 66, § 1;
2015, No. 386, §§ 1, 2.

27-24-1306. Emergency medical services professionals.

(a) The Department of Finance and Administration shall create and issue a special license plate for emergency medical services professionals.

(b) The department shall design the special license plates issued under this section.

(c) Any one (1) of the following may apply for and annually renew a special license plate issued under this section if he or she is currently licensed in the State of Arkansas or certified with the National Registry of Emergency Medical Technicians and resides in this state as:

- (1) An emergency medical technician;
- (2) A paramedic;
- (3) An advanced emergency medical technician;

(4) A first responder with the documented completion of forty (40) hours of curriculum approved by the National Highway Traffic Safety Administration; or

(5) Any other emergency medical services personnel, including without limitation:

- (A) A dispatcher; or
- (B) An emergency vehicle operator.

(d) An applicant shall remit the following fees to obtain a special license plate issued under this section for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(3) An additional fee of fifteen dollars (\$15.00) to be collected by the department and remitted monthly to the Arkansas Emergency Medical Services Foundation, Inc.

(e)(1) The fee for the renewal of a special license plate under this section is the fee required under subsection (d) of this section.

(2) The replacement fee for a special license plate issued under this section is ten dollars (\$10.00).

(f) Upon the initial application of a special license plate issued under this section, the emergency medical services professional shall provide adequate proof to the department that he or she is licensed in the State of Arkansas or certified with the National Registry of Emergency Medical Technicians and resides in this state as one (1) of the following:

- (1) An emergency medical technician;
- (2) A paramedic;
- (3) An advanced emergency medical technician;

(4) A first responder with the documented completion of forty (40) hours of curriculum approved by the National Highway Traffic Safety Administration; or

(5) Any other emergency medical services personnel, including without limitation:

(A) A dispatcher; or

(B) An emergency vehicle operator.

(g)(1) The fee remitted under subdivision (d)(2) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(h) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

History. Acts 2005, No. 2202, § 1; 2017, No. 800, § 1.

Amendments. The 2017 amendment substituted “services professionals” for “technicians” in the section heading and in (a), and made a similar change in (f); in the introductory language of (c) and (f), substituted “licensed” for “certified” and inserted “or certified with the National Registry of Emergency Medical Technicians and resides in this state”; substituted “paramedic” for “emergency medical technician paramedic” in (c)(2) and (f)(2);

in (c)(3) and (f)(3), inserted “advanced” and deleted “intermediate” following “technician”; substituted “National Highway Traffic Safety Administration” for “Department of Transportation” in (c)(4) and (f)(4); added (c)(5) and (f)(5); substituted “Arkansas Emergency Medical Services Foundation, Inc.” for “Arkansas EMT Association Benevolence and Scholarship Funds” in (d)(3); substituted “(d)(2)” for “(d)(2)(B)” in (g)(1); and made stylistic changes.

27-24-1307. Additional public service special license plates with decals.

(a) The Secretary of the Department of Finance and Administration shall accept requests from organizations that represent public service employees, retired public service employees, or retired military service members to create and issue a special license plate decal under this subchapter.

(b)(1) The Department of Finance and Administration shall design the special license plate decal that is issued under this section.

(2) In lieu of the legend “The Natural State” or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing words that describe the public service profession or the retired military service branch or organization for which the special license plate with a decal has been issued.

(c) If the request is approved, the secretary shall determine:

(1) The fee for the design-use contribution which shall be based on the cost of initial orders of new designs for special license plate decals;

(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plate decals; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of new designs for special license plate decals.

(d)(1) If the secretary approves a request for an additional special license plate decal under this section, then a person who establishes with adequate proof that he or she is a member or retiree of the public service profession or military branch may apply for and annually renew a special license plate decal.

(2) The fee for the initial application for a special license plate decal under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle; and

(B) A handling and administrative fee in the amount of ten dollars (\$10.00).

(3) The fee for the renewal of a special license plate decal under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars (\$10.00).

(e)(1) The fees remitted under subdivisions (d)(2)(B) and (d)(4) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) An organization that is eligible to request an additional public service license plate decal under this section may establish a fundraising fee not to exceed twenty-five dollars (\$25.00) for the issuance and renewal of a special license plate with a permanent decal.

(2) If an organization establishes a fundraising fee under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate decal; and

(B) An affidavit signed by an official of the organization that states the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4763-4765.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in the introductory language of (c), and in (d)(1).

27-24-1311. Professional firefighters.

(a) The Department of Finance and Administration shall create and issue a special license plate for professional firefighters under this section.

(b)(1) The department shall seek the advice of the Arkansas Professional Firefighters Association regarding the design of the special license plate under this section.

(2) The association may submit up to three (3) designs to the department for its consideration.

(c)(1) A professional firefighter may apply for and annually renew special license plates issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(C) An additional fee of five dollars (\$5.00) to be remitted monthly to the association.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle and an additional fee of five dollars (\$5.00) to be remitted monthly to the Arkansas Fallen Firefighters' Memorial Board.

(d)(1) Upon the initial application for a special license plate issued under this section, the professional firefighter shall provide adequate proof to the department that he or she is a member in good standing with the association.

(2) This subsection shall not require a person who has been issued a special license plate under this section to present adequate proof of his or her status as a professional firefighter to the department for the renewal of his or her license and registration.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

History. Acts 2007, No. 590, § 2; 2011, No. 639, § 2; 2013, No. 66, §§ 2, 3; 2015, No. 386, §§ 3, 4.

27-24-1315. [Repealed.]

Publisher's Notes. This section, concerning a special license plate for certified law enforcement officers, was repealed by

Acts 2017, No. 1050, § 2. The section was derived from Acts 2013, No. 586, § 3.

SUBCHAPTER 14 — SPECIAL INTEREST LICENSE PLATES

SECTION.

- 27-24-1402. Existing special license plates.
- 27-24-1403. [Repealed.]
- 27-24-1404. Application process for additional special interest license plate decals.
- 27-24-1406. License plate options.
- 27-24-1407. Annual report.
- 27-24-1409. Support Animal Rescue and Shelters special license plate decal.
- 27-24-1410. [Repealed.]
- 27-24-1411. Little Rock Air Force Base.
- 27-24-1412. Support of Court Appointed Special Advocates.
- 27-24-1413. [Repealed.]
- 27-24-1414. Arkansas Sheriffs' Association.
- 27-24-1415. Children's cancer research.
- 27-24-1416. Arkansas Future Farmers of America.
- 27-24-1418. [Repealed.]
- 27-24-1419. Arkansas Tennis Association license plate.

SECTION.

- 27-24-1420. Fraternal Order of Police.
- 27-24-1421. [Repealed.]
- 27-24-1422. Dr. Martin Luther King, Jr. license plate.
- 27-24-1423. Autism Awareness.
- 27-24-1424. Hospice and palliative care special license plate.
- 27-24-1425. Arkansas State Chapter of the National Wild Turkey Federation, Inc.
- 27-24-1426. Quail Forever special license plate.
- 27-24-1427. Little Rock Rangers Soccer Club.
- 27-24-1428. Grand Lodge of Arkansas special license plate.
- 27-24-1429. Prince Hall Grand Lodge of Arkansas special license plate.
- 27-24-1430. Buffalo River Community Development special license plate.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-1402. Existing special license plates.

(a) The following special license plates that represent various special interests and that were in existence or authorized by law on or before April 13, 2005, shall continue to be issued by the Secretary of the Department of Finance and Administration to a motor vehicle owner

who is otherwise eligible to license a motor vehicle in this state and who pays the additional fees for the special license plate unless other eligibility requirements are specifically stated in this subchapter:

- (1) Ducks Unlimited;
- (2) Committed to Education;
- (3) Choose Life;
- (4) Susan G. Komen Breast Cancer Education, Research, and Awareness;

- (5) Boy Scouts of America;
- (6) Arkansas Cattlemen's Foundation;
- (7) Organ Donor Awareness; and
- (8) Arkansas Realtors Association.

(b) The Department of Finance and Administration shall continue to collect the fee for the design-use contribution or for fundraising purposes, and the following organizations shall continue to receive funds and be authorized to use the funds from the fee for the design-use contribution for special license plates that were in effect before April 13, 2005, and that are continued under this subchapter:

- (1) Ducks Unlimited, Inc., for the Ducks Unlimited special license plate;

- (2) Arkansas Committed to Education Foundation for the Committed to Education special license plate;

- (3) Arkansas Right to Life for the Choose Life special license plate;

- (4) Arkansas Affiliate of the Susan G. Komen Foundation for the Susan G. Komen Breast Cancer Education, Research, and Awareness special license plate;

- (5) Boy Scouts of America, Quapaw Area Council of Arkansas, for the Boy Scouts of America special license plate;

- (6) Arkansas Cattlemen's Foundation for the Arkansas Cattlemen's Foundation special license plate; and

- (7) Arkansas Regional Organ Recovery Agency for the Organ Donor Awareness special license plate.

(c)(1) Within thirty (30) days after April 13, 2005, the secretary shall notify the organizations listed in subsection (b) of this section that received the funds or were authorized to use the funds from a design-use contribution fee for a special license plate that is continued under this chapter and that was in effect before April 13, 2005, and the State Highway Commission of a change in the law regarding special license plates.

- (2)(A) The organization shall submit to the secretary an application that includes the following:

- (i) The organization's financial plan for the use of the proceeds from the special license plate; and

- (ii) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(B)(i) The organization shall submit the information required under this subsection within one hundred twenty (120) days after April 13, 2005.

(ii) If the organization fails to comply with this subdivision (c)(2)(B) within one hundred twenty (120) days after April 13, 2005, then the secretary shall notify the organization that proceeds from the special license plate design-use contribution fee will no longer be remitted to the organization or the organization will no longer be able to use the proceeds until the organization complies with this subdivision (c)(2)(B).

(C) The department shall not remit funds to the organization or allow the organization to use the proceeds from the special license plate unless the organization complies with the provisions of this section.

(d) Every special license plate continued under this subchapter shall be discontinued on April 7, 2007, unless an application is submitted to and approved by the secretary ninety (90) days prior to April 1, 2007, that establishes the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under the Internal Revenue Code § 26 U.S.C. 501(c)(3), as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4)(A) Except as provided under subdivision (d)(4)(B) of this section, the name of the organization is not the name of a special product, a trademark, or a brand name.

(B) Subdivision (d)(4)(A) of this section shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(5)(A) Except as provided under subdivision (d)(5)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.

(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

History. Acts 2005, No. 2202, § 1; 2007, No. 451, § 1; 2019, No. 910, §§ 4766-4770.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in the introductory language of (a); and substituted "secretary" for "director" throughout (c) and in the introductory language of (d).

27-24-1403. [Repealed.]

Publisher's Notes. This section, concerning the expedited application process for certain special license plates, was re-

pealed by Acts 2015, No. 1158, § 10. The section was derived from Acts 2005, No. 2202, § 1.

27-24-1404. Application process for additional special interest license plate decals.

(a) A special interest organization may apply to the Secretary of the Department of Finance and Administration for the creation and issuance of a special license plate that bears a decal for the special interest group under this section beginning on July 1, 2006, and ending on November 1, 2006, and on the same dates each year thereafter.

(b)(1) An application submitted under this section shall include the following:

(A) A proposed design of the special license plate decal that complies with § 27-24-105(c) and related rules;

(B) Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(C) The organization's financial plan for the use of the proceeds from the special license plate decal; and

(D) An affidavit signed by an official of the organization that states that the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

(2) The secretary shall either approve or deny each application submitted during the fiscal year by July 1 of the following fiscal year.

(c)(1)(A) If the request is approved, the secretary shall determine:

(i) The fee for the cost of creating a special license plate, including without limitation the cost of:

(a) The initial order of a special license plate created under this subchapter;

(b) Creating a new design for a special license plate and any subsequent revisions to the design;

(c) The computer programming and testing required to add a special license plate to the Department of Finance and Administration's computer system;

(d) Maintaining the computer system required under subdivision (c)(1)(A)(i)(c) of this section; and

(e) Shipping and distributing a special license plate created under this subchapter to all revenue offices in the state;

(ii) The number of applications that must be received to cover the costs provided in subdivision (c)(1)(A)(i) of this section; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received by the department for the creation of a special license plate.

(B)(i) The fee remitted under subdivision (c)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit

of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(C) The fee required under subdivision (c)(1)(A) of this section does not apply to a special license plate in existence before January 1, 2019.

(2) If the secretary denies the application, then:

(A) The secretary shall give the applicant written notice of the reasons for the denial; and

(B) The applicant may proceed as provided under § 27-24-106.

(d)(1) An organization that applies for the issuance of a special license plate under this section may establish a fee not to exceed twenty-five dollars (\$25.00) for the design-use contribution or for fundraising purposes for the issuance and renewal of a special license plate.

(2) If an organization establishes a fee for the design-use contribution or fundraising purposes under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(e) An organization's application for a special license plate under this section shall establish the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4) The name of the organization is not the name of a special product or a brand name;

(5) The name of the organization is not interpreted by the department as promoting a special product or a brand name;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

History. Acts 2005, No. 2202, § 1; by No. 287 rewrote (c)(1)(A); and added 2019, No. 287, § 1; 2019, No. 910, (c)(1)(C).
§§ 4771-4775.

Amendments. The 2019 amendment substituted "Secretary of the Department of

Finance and Administration” for “Director of the Department of Finance and Administration” in the introductory language of (a); and substituted “secretary” for “director” in (b)(2) and throughout (c).

27-24-1406. License plate options.

(a) A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(b)(1) A motor vehicle owner who chooses to apply for a special personalized prestige license plate under subdivision (a)(2) of this section shall be required to pay an additional application and renewal fee not to exceed twenty dollars (\$20.00).

(2) The use of letters and numbers on a personalized prestige license plate under this section shall be limited by the rules of the Secretary of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, § 4776. of Finance and Administration” for “Director of the Department of Finance and Administration” in (b)(2).

Amendments. The 2019 amendment substituted “Secretary of the Department

27-24-1407. Annual report.

(a) A special interest organization that is the sponsor of a special license plate or a special license plate that bears a decal under this subchapter shall prepare and submit an annual accounting report to the Secretary of the Department of Finance and Administration by December 1 of each calendar year.

(b) The report shall include an accounting of the revenues and expenditures associated with the design-use contribution fee charged for the special license plate or the special license plate that bears a decal.

(c) If the special interest organization fails to comply with this section, then the secretary may:

(1) Suspend the issuance of a special license plate or special license plate that bears a decal under this subchapter; or

(2) Suspend the payment of the design-use contribution fee to the special interest organization.

History. Acts 2005, No. 2202, § 1; 2019, No. 910, §§ 4777, 4778. tor of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in the introductory language of (c).

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Direc-

27-24-1409. Support Animal Rescue and Shelters special license plate decal.

(a)(1) The Secretary of the Department of Finance and Administration shall issue a special license plate that bears a decal that states "Support Animal Rescue and Shelters" in the manner and subject to the conditions provided under this subchapter.

(2) The procedures regarding costs under § 27-24-1404(c)(1)(A) shall apply.

(b) Any motor vehicle owner annually may apply for and renew a special license plate that bears the decal described in subdivision (a)(1) of this section.

(c)(1) The Department of Finance and Administration shall issue a special license plate that bears the decal under this section upon payment of:

- (A) The fee required by law for registration of the motor vehicle;
- (B) Payment of twenty-five dollars (\$25.00) to cover the design-use contribution; and
- (C) Payment of a handling and administrative fee of ten dollars (\$10.00).

(2)(A) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(B) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(3) The design-use contribution of twenty-five dollars (\$25.00) shall be remitted monthly to the Treasurer of State for deposit into the State Treasury as special revenues for the Animal Rescue and Shelter Trust Fund.

(d)(1) The special license plate that bears a decal issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Treasurer of State for deposit into the State Treasury as special revenues for the Animal Rescue and Shelter Trust Fund.

History. Acts 2009, No. 692, § 2; 2019, No. 910, § 4779.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1).

27-24-1410. [Repealed.]

Publisher's Notes. This section, concerning a special license plate for prostate cancer awareness, was repealed by Acts

2015, No. 574, § 2. The section was derived from Acts 2011, No. 830, § 1.

27-24-1411. Little Rock Air Force Base.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for the Little Rock Air Force Base in the manner and subject to the conditions provided for under this subchapter.

(b) The special Little Rock Air Force Base motor vehicle license plate shall be:

(1) Designed by the Department of Finance and Administration in consultation with Airpower Arkansas; and

(2) Numbered consecutively.

(c) The secretary shall determine the cost for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design, which shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The department shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) A fee not to exceed twenty-five dollars (\$25.00) for the design-use contribution by Airpower Arkansas.

(B) The department shall remit the fees collected under this subdivision (d)(2) on a monthly basis to Airpower Arkansas; and

(3) A handling and administrative fee of ten dollars (\$10.00) that is:

(A) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration;

(B) Credited to the division as supplemental and in addition to all other funds deposited for the benefit of the division; and

(C) Not considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to Airpower Arkansas.

History. Acts 2013, No. 407, § 1; 2019, No. 910, §§ 4780, 4781.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in the introductory language of (c).

27-24-1412. Support of Court Appointed Special Advocates.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for support of the Arkansas Court Appointed Special Advocates program in the manner and subject to the conditions provided for under this subchapter.

(b) The special motor vehicle license plate shall be:

(1)(A) Designed by the Arkansas State CASA Association.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The secretary shall determine the amount of the costs for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design, which shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas Court Appointed Special Advocates Program Fund to be used for Arkansas Court Appointed Special Advocates Program Fund purposes; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Arkansas Court Appointed Special Advocates Program Fund.

History. Acts 2013, No. 545, § 1; 2019, No. 910, §§ 4782-4784.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b)(1)(B) twice, and in the introductory language of (c).

27-24-1413. [Repealed.]

Publisher's Notes. This section, concerning the Support Law Enforcement special license plate, was repealed by Acts

2017, No. 928, § 2. The section was derived from Acts 2013, No. 586, § 4.

27-24-1414. Arkansas Sheriffs' Association.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for the Arkansas Sheriffs' Association in the manner and subject to the conditions provided for under this subchapter.

(b) The association motor vehicle special license plate shall be:

(1)(A) Designed by the association.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly in the following manner:

(i) Seventy-five percent (75%) shall be remitted to the association; and

(ii) Twenty-five percent (25%) to the Fallen Law Enforcement Officers' Beneficiary Fund; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis as set forth in subdivision (d)(2)(B) of this section.

History. Acts 2013, No. 586, § 4; 2019, No. 910, §§ 4785, 4786.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1415. Children's cancer research.

(a) The Secretary of the Department of Finance and Administration shall create and issue a children's cancer research motor vehicle special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The children's cancer research motor vehicle special license plate shall be:

(1)(A) Designed by the children's cancer research advocates.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The Department of Finance and Administration shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas Children's Hospital Foundation Cancer Research Account to be used for research purposes; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the account.

History. Acts 2013, No. 762, § 1; 2019, No. 910, §§ 4787, 4788.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1416. Arkansas Future Farmers of America.

(a) The Secretary of the Department of Finance and Administration shall create and issue a special license plate for the Arkansas Future Farmers of America Association in the manner and subject to the conditions provided for under this subchapter.

(b) The Arkansas Future Farmers of America motor vehicle special license plate shall be:

(1)(A) Designed by the association.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the association; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the Revenue Division as supplemental and in addition to all other funds that may be deposited for the benefit of the Revenue Division.

(C) The handling and administrative fee shall not be considered or credited to the Revenue Division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the Revenue Division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis as set forth in subdivision (d)(2)(B) of this section.

History. Acts 2013, No. 1007, § 1; 2019, No. 910, §§ 4789, 4790.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1418. [Repealed.]

Publisher's Notes. This section, concerning the special license plate for pancreatic cancer awareness, was repealed by

Acts 2015, No. 859, § 1. The section was derived from Acts 2013, No. 1197, § 1.

27-24-1419. Arkansas Tennis Association license plate.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for the Arkansas Tennis Association in the manner and subject to the conditions provided for under this subchapter.

(b) The special association motor vehicle license plate shall be:

(1)(A) Designed by the association.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The secretary shall determine the costs for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design, which shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the association to be used for association purposes; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the association.

History. Acts 2013, No. 1250, § 1; 2019, No. 910, §§ 4791-4793.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B) and once in (c).

27-24-1420. Fraternal Order of Police.

(a) The Secretary of the Department of Finance and Administration shall issue a special license plate for the Arkansas State Lodge Fraternal Order of Police in the manner and subject to the conditions provided for under this subchapter.

(b) The Arkansas State Lodge Fraternal Order of Police motor vehicle special license plate shall be:

(1)(A) Designed by the fraternal order.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The Department of Finance and Administration shall issue a special license plate under this section to the owner of a motor vehicle upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the fraternal order; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis as set forth in subdivision (d)(2)(B) of this section.

History. Acts 2013, No. 711, § 1; 2019, No. 910, §§ 4794, 4795.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1421. [Repealed.]

Publisher's Notes. This section, concerning Rotary International license plates, was repealed by Acts 2015, No.

1130, § 2. The section was derived from Acts 2013, No. 1342, § 2.

27-24-1422. Dr. Martin Luther King, Jr. license plate.

(a)(1) The Secretary of the Department of Finance and Administration shall issue a special license plate in honor of Dr. Martin Luther King, Jr. in the manner and subject to the conditions provided for under this subchapter.

(2) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(b) The special Dr. Martin Luther King, Jr. motor vehicle license plate shall be:

(1)(A) Designed by the Martin Luther King, Jr. Commission.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2) Numbered consecutively.

(c) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Fifty dollars (\$50.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the commission to be used for commission purposes; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(d)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the commission.

History. Acts 2013, No. 1350, § 1; 2019, No. 910, §§ 4796, 4797.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1423. Autism Awareness.

(a) The Secretary of the Department of Finance and Administration shall create and issue an Autism Awareness motor vehicle special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Autism Awareness motor vehicle special license plate shall be:

(1) Designed by the Department of Finance and Administration, in consultation with the Arkansas Autism Resource Outreach Center; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas Autism Resource Outreach Center to be used exclusively to promote autism awareness program expenses; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Arkansas Autism Resource Outreach Center.

History. Acts 2015, No. 574, § 1; 2019, No. 910, § 4798.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-24-1424. Hospice and palliative care special license plate.

(a) The Secretary of the Department of Finance and Administration shall issue a special motor vehicle license plate for support of hospice and palliative care subject to the conditions provided for under this subchapter.

(b) The special hospice and palliative care motor vehicle license plate shall be:

(1)(A) Designed by the Hospice and Palliative Care Association of Arkansas.

(B) The design shall be submitted for design approval by the secretary under rules promulgated by the secretary; and

(2)(A) Except as provided under subdivision (b)(2)(B) of this section, numbered consecutively.

(B) The Department of Finance and Administration may issue a special personalized prestige license plate for support of hospice and palliative care to a person making a request.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply to the issuance of a special license plate under this section.

(d) The department shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Hospice and Palliative Care Association of Arkansas; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis as set forth in subdivision (d)(2)(B) of this section.

History. Acts 2015, No. 859, § 2; 2019, No. 910, §§ 4799, 4800.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" twice in (b)(1)(B).

27-24-1425. Arkansas State Chapter of the National Wild Turkey Federation, Inc.

(a) The Secretary of the Department of Finance and Administration shall create and issue an Arkansas State Chapter of the National Wild Turkey Federation, Inc. special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Arkansas State Chapter of the National Wild Turkey Federation, Inc. special license plate shall be:

(1) Designed by the Department of Finance and Administration, in consultation with the Board of Directors of the Arkansas State Chapter of the National Wild Turkey Federation, Inc.; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Board of Directors of the Arkansas State Chapter of the National Wild Turkey Federation, Inc. to be used exclusively to promote the federation's mission in Arkansas; and

(3)(A) A handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(B) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Board of Directors of the Arkansas State Chapter of the National Wild Turkey Federation, Inc.

History. Acts 2015, No. 1130, § 1; of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

2019, No. 910, § 4592.
Amendments. The 2019 amendment substituted "Secretary of the Department

27-24-1426. Quail Forever special license plate.

(a) The Secretary of the Department of Finance and Administration shall create and issue a Quail Forever special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Quail Forever special license plate shall be:

(1) Designed by the Department of Finance and Administration, in consultation with the Big Rock Chapter of Quail Forever, a division of Pheasants Forever, Inc.; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Officer Committee of the Big Rock Chapter of Quail Forever, a division of Pheasants Forever, Inc., to be used exclusively in Arkansas to fund the conservation of quail through habitat improvements, public awareness, education, and land management policies and programs; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00) shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the Revenue Division as supplemental and in addition to all other funds that may be deposited for the benefit of the Revenue Division.

(B) The handling and administrative fee shall not be considered or credited to the Revenue Division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the Revenue Division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Officer Committee of the Big Rock Chapter of Quail Forever, a division of Pheasants Forever, Inc.

History. Acts 2017, No. 928, § 1; 2019, No. 910, § 4801.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-24-1427. Little Rock Rangers Soccer Club.

(a) The Secretary of the Department of Finance and Administration shall create and issue a Little Rock Rangers Soccer Club special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Little Rock Rangers Soccer Club special license plate shall be:

(1) Designed by the Department of Finance and Administration, in consultation with the Little Rock Rangers Soccer Club; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Board of Directors of the Little Rock Rangers Soccer Club to be used exclusively to promote and support the Little Rock Rangers Soccer Club; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the board.

History. Acts 2017, No. 1050, § 1; 2019, No. 910, § 4802.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

27-24-1428. Grand Lodge of Arkansas special license plate.

(a) The Secretary of the Department of Finance and Administration shall create and issue a Grand Lodge of Arkansas special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Grand Lodge of Arkansas special license plate shall be:

(1) Designed by the Department of Finance and Administration in consultation with the Grand Lodge of Arkansas, the ruling body of the Arkansas Masons; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon:

(1) Presentment of a current dues card issued to the motor vehicle owner by the Arkansas Masonic Lodge of Free and Accepted Masons showing he has paid his annual membership dues; and

(2) Payment of:

(A) The fee required by law for registration of the motor vehicle;

(B)(i) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(ii) The design-use contribution shall be remitted monthly to The Most Worshipful Grand Lodge, Free and Accepted Masons of the State of Arkansas, and its Masonic Jurisdiction to be used exclusively to promote and support the Grand Lodge of Arkansas and the Arkansas Masons; and

(C)(i) A handling and administrative fee of ten dollars (\$10.00).

(ii) The handling and administrative fee of ten dollars (\$10.00) shall be:

(a) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(b) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(iii) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to The Most Worshipful Grand Lodge, Free and Accepted Masons of the State of Arkansas, and its Masonic Jurisdiction.

History. Acts 2019, No. 578, § 2.

27-24-1429. Prince Hall Grand Lodge of Arkansas special license plate.

(a) The Secretary of the Department of Finance and Administration shall create and issue a Prince Hall Grand Lodge of Arkansas special license plate in the manner and subject to the conditions provided for under this subchapter.

(b) The Prince Hall Grand Lodge of Arkansas special license plate shall be:

(1) Designed by the Department of Finance and Administration in consultation with The Most Worshipful Prince Hall Grand Lodge Free and Accepted Masons, Arkansas Jurisdiction; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Most Worshipful Grand Lodge Community Outreach, Inc.; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee of ten dollars (\$10.00) shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Most Worshipful Grand Lodge Community Outreach, Inc.

History. Acts 2019, No. 578, § 2.

27-24-1430. Buffalo River Community Development special license plate.

(a) The Secretary of the Department of Finance and Administration shall create and issue a Buffalo River Community Development special license plate:

(1) In the manner and subject to the conditions provided for under this subchapter; and

(2) Subject to the discontinuation of the collegiate special license plate assigned to the school formerly known as the "College of The Ouachitas" as required under § 27-24-1003.

(b) The Buffalo River Community Development special license plate shall be:

(1) Designed by the Department of Finance and Administration in consultation with the Buffalo River Community Development Corporation; and

(2) Numbered consecutively.

(c) The procedures concerning costs for issuance under § 27-24-1404(c)(1)(A) shall apply.

(d) The department shall issue a special license plate under this section to a motor vehicle owner upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars (\$25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Buffalo River Community Development Corporation to be used exclusively to promote and support economic development in Searcy County; and

(3)(A) A handling and administrative fee of ten dollars (\$10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Buffalo River Community Development Corporation.

History. Acts 2021, No. 541, § 1.

SUBCHAPTER 16 — DEPARTMENT OF PARKS, HERITAGE, AND TOURISM**SECTION.**

27-24-1601. Purpose.

27-24-1602. Special license plates.

SECTION.

27-24-1603. Issuance — Renewal — Replacement.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-1601. Purpose.

The purpose of this subchapter is to:

- (1) Authorize the design and issuance of license plates featuring state parks for the Department of Parks, Heritage, and Tourism;
- (2) Provide funding to a cash fund to be used by the Department of Parks, Heritage, and Tourism for sponsoring college scholarships in the state parks profession and the state parks education programs; and
- (3) Authorize the Department of Finance and Administration to issue, renew, and replace the license plates authorized for the Department of Parks, Heritage, and Tourism.

History. Acts 2011, No. 292, § 1; 2019, No. 910, § 5720.

Amendments. The 2019 amendment substituted "Department of Parks, Heri-

tage, and Tourism" for "Department of Parks and Tourism" throughout the section.

27-24-1602. Special license plates.

(a)(1) The Secretary of the Department of Finance and Administration shall accept requests from the Department of Parks, Heritage, and Tourism to create and issue special license plates under this subchapter.

(2) The Department of Parks, Heritage, and Tourism shall submit with a request for a special license plate a proposed design for the approval of the secretary.

(b) When considering a request from the Department of Parks, Heritage, and Tourism for a special license plate, the secretary shall consider the following factors:

(1) The administrative cost to the Department of Finance and Administration for issuance of a Department of Parks, Heritage, and Tourism special license plate; and

(2) The estimated demand for the special license plate requested by the Department of Parks, Heritage, and Tourism.

(c)(1) If a request submitted under subsection (a) of this section is approved, the secretary shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates that shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(2)(A) The fee remitted under subdivision (c)(1) of this section shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(B) The fee remitted under subdivision (c)(1) of this section shall not be considered or credited to the division as direct revenue.

History. Acts 2011, No. 292, § 1; 2019, No. 910, §§ 4803, 4804.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and

Administration" in (a)(1); and substituted "secretary" for "director" and "Department of Parks, Heritage, and Tourism" for "Department of Parks and Tourism" throughout the section.

27-24-1603. Issuance — Renewal — Replacement.

(a) A person who owns a motor vehicle and who is a resident of the state may apply for and renew annually a special license plate under this subchapter.

(b) An applicant shall remit the following fees to obtain a special license plate issued under this subchapter for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2)(A) A fee not to exceed twenty-five dollars (\$25.00) to cover the design-use contribution by the Department of Parks, Heritage, and Tourism or to cover contributions for fundraising purposes.

(B) The fee remitted under subdivision (b)(2)(A) of this section shall be deposited into a cash fund to be used by the Department of Parks, Heritage, and Tourism for the following purposes:

(i) Sponsoring college scholarships related to the field of conservation; and

(ii) Providing conservation education programs; and

(3)(A) A handling and administrative fee in the amount of ten dollars (\$10.00).

(B) The fee remitted under subdivision (b)(3)(A) of this section shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee remitted under subdivision (b)(3)(A) of this section shall not be considered or credited to the division as direct revenue.

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter, the owner of the motor vehicle shall remit:

(1) The fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The fees stated in subsection (b) of this section if the registration has expired.

(e) The registration of a special license plate under this subchapter may:

(1) Continue from year to year if it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided in § 27-14-1012.

History. Acts 2011, No. 292, § 1; 2019, No. 910, § 5721.

Amendments. The 2019 amendment substituted "Department of Parks, Heri-

tage, and Tourism" for "Department of Parks and Tourism" in (b)(2)(A) and (b)(2)(B).

SUBCHAPTER 17 — CONSERVATION DISTRICTS

SECTION.

27-24-1701. Authorization.

27-24-1702. Design — Cost.

SECTION.

27-24-1704. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-24-1701. Authorization.

The Secretary of the Department of Finance and Administration shall issue a special license plate for conservation districts in the manner and subject to the conditions provided under this subchapter.

History. Acts 2011, No. 804, § 1; 2019, No. 910, § 4805. of Finance and Administration” for “Director of the Department of Finance and Administration”.

Amendments. The 2019 amendment substituted “Secretary of the Department

27-24-1702. Design — Cost.

(a) The special motor vehicle license plate for conservation districts shall:

(1) Be designed by the Department of Finance and Administration in consultation with the Arkansas Association of Conservation Districts; and

(2) Be numbered consecutively.

(b) The Secretary of the Department of Finance and Administration shall determine the amount of the costs for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design that shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (b)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

History. Acts 2011, No. 804, § 1; 2019, No. 910, § 4806. of Finance and Administration” for “Director of the Department of Finance and Administration” in (b).

Amendments. The 2019 amendment substituted “Secretary of the Department

27-24-1704. Rules.

The Secretary of the Department of Finance and Administration may promulgate rules for the administration of this subchapter.

History. Acts 2011, No. 804, § 1; 2019, No. 910, § 4807. of Finance and Administration” for “Director of the Department of Finance and Administration”.

Amendments. The 2019 amendment substituted “Secretary of the Department

SUBTITLE 3. MOTOR VEHICLES AND THEIR EQUIPMENT

CHAPTER 32

INSPECTION OF MOTOR VEHICLES

SUBCHAPTER.

1. MOTOR VEHICLE SAFETY.

SUBCHAPTER 1 — MOTOR VEHICLE SAFETY

SECTION.

27-32-101. Vehicles to be in safe mechanical condition.

27-32-101. Vehicles to be in safe mechanical condition.

(a)(1) No person shall drive or move any vehicle subject to registration on any highway in this state unless the equipment on the vehicle is in good working order and adjustment as required for the vehicle's safe operation and unless the vehicle is in safe mechanical condition as not to endanger the driver, other occupants of the vehicle, or any other person.

(2)(A) Any law enforcement officer having reason to believe that a vehicle may have safety defects shall have cause to stop the vehicle and inspect for safety defects.

(B) Should the officer determine that the vehicle is defective, he or she shall issue to the operator a safety compliance summons directing the operator to have the defect corrected.

(b) Any certified police officer having reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law or that the motor vehicle equipment is not in proper adjustment or repair, may require the driver of the motor vehicle to stop and submit the vehicle to an inspection and test as may be appropriate.

(c) In the event that the use of a vehicle in its present condition would, in the reasonable judgment of the officer, endanger the life of any member of the public, the officer may issue to the operator a citation for operating an unsafe vehicle and may require the vehicle to be parked at the owner's expense and not operated until it is made safe.

(d) The intent of this section is to make the vehicle operator aware of any vehicle safety defects and to provide the operator a reasonable opportunity to make necessary repairs without requiring the issuance of a citation which may result in the levying of fines and court costs.

History. Acts 1997, No. 974, § 9; 2015, No. 1158, § 11.

RESEARCH REFERENCES

Ark. L. Rev. T.W. Brown, Recent Developments, Pursuant to the Arkansas Transportation Code, A Police Officer May Stop a Vehicle on the Basis of a Cracked Windshield, 66 Ark. L. Rev. 347 (2013).

CHAPTER 35
SIZE AND LOAD REGULATIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. WEIGHTS AND DIMENSIONS.
3. MANUFACTURED HOMES AND HOUSES.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

27-35-102. Certain vehicles exempted — Definition.

27-35-109. Liability for damage to highway or structure.

SECTION.

27-35-112. Towing vehicles licensed in other states.

27-35-102. Certain vehicles exempted — Definition.

(a) As used in this subchapter, “emergency vehicle” means a motor vehicle designed to be used under emergency conditions to:

- (1) Transport personnel and equipment; and
- (2) Support the suppression of fires and mitigation of other hazardous situations.

(b) The provisions of this subchapter governing size, weight, and load shall not apply to emergency vehicles, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

History. Acts 1937, No. 300, § 139; Pope’s Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801; Acts 2017, No. 619, § 2.

A.C.R.C. Notes. Acts 2017, No. 619, § 1, provided: “LEGISLATIVE INTENT. It is the intent of the General Assembly to amend current Arkansas law concerning certain size and weight provisions for

commercial motor vehicles in order to align with the requirements of the Fixing America’s Surface Transportation Act Pub. L. No. 114-94.”

Amendments. The 2017 amendment designated the existing language as (b); added (a); and substituted “emergency vehicles” for “fire apparatus” in (b).

27-35-109. Liability for damage to highway or structure.

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any

vehicle, object, or contrivance of excessive width or weighing in excess of the maximum weight in this chapter, even though authorized by a special permit issued as provided in § 27-35-210.

(b) A person driving a vehicle upon a highway shall be liable for all damages to structures spanning the highway, or a part of the highway, by reason of load heights in excess of that which the structure will permit, when the clearance height of the structure is posted, and in any event where the height of the vehicle and load is in excess of fourteen feet (14').

(c) Whenever the driver is not the owner of the vehicle, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

(d) Damage may be recovered in a civil action brought by the authorities in control of the highway or highway structure.

History. Acts 1937, No. 300, § 150; Pope's Dig., § 6809; A.S.A. 1947, § 75-812; Acts 1995, No. 851, § 3; 2021, No. 871, § 1.

Amendments. The 2021 amendment,

in (b), deleted "object, or contrivance" following the first occurrence of "vehicle" and substituted "fourteen feet (14')" for "thirteen feet six inches (13' 6'"); and made stylistic changes.

27-35-112. Towing vehicles licensed in other states.

(a)(1) A vehicle licensed in another state for use as a wrecker or similar towing vehicle may be used to tow an automobile or truck in this state only if:

(A) The wrecker or similar towing vehicle licensed in another state is requested by the owner or operator of the vehicle to be towed;

(B) The vehicle is not being towed as a result of a collision that occurred within this state; and

(C) The vehicle is being towed:

(i) In either direction across the border between Arkansas and a neighboring state; or

(ii) Through Arkansas in transit to another state.

(2) Subdivision (a)(1) of this section shall not apply to a vehicle used as a wrecker or similar towing vehicle if the vehicle:

(A) Is licensed in an incorporated city or town in a state adjoining an Arkansas city or incorporated town that is divided by a state line; and

(B) The city or town in the adjoining state is of greater population than the Arkansas city or town.

(b)(1) The owner or operator of any wrecker or similar towing vehicle licensed in another state that is used to tow any automobile or truck in this state in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined at least one hundred dollars (\$100) but not more than one thousand dollars (\$1,000).

(2) Each violation shall constitute a separate offense.

(c) The Arkansas Towing and Recovery Board may promulgate rules for the enforcement of this section, including the imposition of civil penalties as set forth in § 27-50-1204.

History. Acts 1979, No. 430, § 1, 2; A.S.A. 1947, §§ 75-806.1, 75-806.2; Acts 2007, No. 607, § 1; 2017, No. 998, § 1; 2019, No. 315, § 3134.

Amendments. The 2017 amendment rewrote (a).

The 2019 amendment deleted “and regulations” following “rules” in (c).

SUBCHAPTER 2 — WEIGHTS AND DIMENSIONS

SECTION.

27-35-203. Single and tandem axle load limits — Definition.
27-35-206. Width of vehicles.
27-35-207. Height of vehicles.
27-35-208. Length of vehicles — Definitions.

SECTION.

27-35-210. Permits for special cargoes — Definition.
27-35-211. Disposition of fees and penalties.

Effective Dates. Acts 2015 (1st Ex. Sess.), Identical Acts Nos. 11 and 12, § 2: June 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that agriculture is one of Arkansas’s most important industries; that farmers and other persons engaged in agricultural activities require use of the state highways and roadways to engage in those same agricultural activities; that highways and roadways have by law certain requirements for the motor vehicles that operate on them; that it is incumbent on the state to accommodate farmers and other persons engaged in agricultural activities as

much as possible due to the enormous importance placed on the agricultural industries in the state; and that this act is necessary because certain parts of the roadway over the St. Francis Sunken Lands Wildlife Management Area, which may be designated in the future as part of the Interstate Highway System and other routes within the National Highway System, are used by farmers and persons engaged in agricultural activities. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on June 1, 2015.”

27-35-203. Single and tandem axle load limits — Definition.

(a) **MAXIMUM SINGLE AXLE LOAD.** The total gross load imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand pounds (20,000 lbs.).

(b)(1) **MAXIMUM TANDEM AXLE LOAD.** The total gross load imposed on the highway by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40”) and not more than ninety-six inches (96”) apart, extending across the full width of the vehicle, shall not exceed thirty-four thousand pounds (34,000 lbs.).

(2) No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the load permitted for a single axle.

(c)(1) **MAXIMUM WEIGHT ON FRONT OR STEERING AXLE.** The maximum weight imposed on the highway by the front or steering axle of a vehicle shall not exceed the amount of the manufacturer's axle weight rating for the front or steering axle or twenty thousand pounds (20,000 lbs.), whichever is less. If the vehicle has no plate attached by the manufacturer providing the axle and gross weight ratings, the maximum weight allowed for the front or steering axle shall be twelve thousand pounds (12,000 lbs.).

(2) The combined maximum weight imposed on the highway by a front or steering axle and any adjacent axle whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than ninety-six inches (96") apart shall not exceed twenty-four thousand pounds (24,000 lbs.).

(3) "Front or steering axle", for the purposes of this subsection, shall be defined as an axle attached to the front of the vehicle and which is utilized to steer the vehicle on a given path or direction.

(d)(1) Subject to the limit upon the weight imposed upon the highway through any one (1) axle as set forth in subsections (a)-(c) of this section, no vehicle, or combination of vehicles, shall be operated upon the highways of this state when the gross weight is in excess of eighty thousand pounds (80,000 lbs.).

(2) Greater gross weights than permitted may be authorized by special permit issued by competent authority as authorized by law, or lesser gross weights will be required when highways are posted.

(e)(1) No vehicle, or combination of vehicles, shall operate upon any highway in this state when the total gross load imposed on the highway by the wheels of any one (1) single axle of such vehicle or combination exceeds eighteen thousand pounds (18,000 lbs.), nor when the total gross load imposed on the highway by two (2) or more consecutive axles of any such vehicle or combination of vehicles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than ninety-six inches (96") apart, extending across the full width of the vehicle or combination of vehicles, exceeds thirty-two thousand pounds (32,000 lbs.), nor when the total gross weight of the vehicle, or combination of vehicles thereof, is in excess of seventy-three thousand two hundred eighty pounds (73,280 lbs.) unless the vehicle, or combination thereof, shall not exceed the value given in Table I corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Table I

GROSS WEIGHTS ALLOWABLE UNDER THE FORMULA CONTAINED IN THE FEDERAL WEIGHT LAW ENACTED JANUARY 4, 1975, THAT ARE APPLICABLE TO VEHICLES OR COMBINATIONS THEREOF IN ARKANSAS

$$\text{Formula } W = 500 \left[\frac{LN}{N-1} + 12N + 36 \right]$$

Except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds (34,000 lbs.) each, providing that the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six feet (36') or more.
W = maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred pounds (500 lbs.).
L = distance in feet between the extremes of any group of two (2) or more consecutive axles.
N = number of axles in group under consideration.

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles		
	4 axles	5 axles	6 axles
33			74,000
34			74,500
35			75,000
36			75,500
37			76,000
38			77,000
39			77,500
40			78,000
41		73,500	78,500
42		74,000	79,000
43		75,000	80,000
44		75,500	80,000
45		76,000	80,000
46		76,500	80,000
47	73,500	77,500	80,000
48	74,000	78,000	80,000
49	74,500	78,500	80,000
50	75,500	79,000	80,000
51	76,000	80,000	80,000
52	76,500	80,000	80,000
53	77,500	80,000	80,000
54	78,000	80,000	80,000
55	78,500	80,000	80,000
56	79,000	80,000	80,000
57	80,000	80,000	80,000

(2)(A) If the Federal Highway Administration or the United States Congress prescribes or adopts vehicle size or weight limits greater than those prescribed by the Federal-Aid Highway Act of 1956, which limits exceed, in full or in part, the provisions of subsection (a), subsection (b), subsection (c), or subsection (d) of this section or this subsection, the State Highway Commission shall adopt size and weight limits compa-

able to those prescribed or adopted by the Federal Highway Administration or the United States Congress and shall authorize the limits to be used by owners or operators of vehicles while the vehicles are using highways within this state.

(B) No vehicle size or weight limit so adopted by the commission shall be less in any respect than those provided for in subsection (a), subsection (b), subsection (c), or subsection (d) of this section or this subsection.

(f)(1)(A) Vehicles, or a combination of vehicles, transporting products commonly recognized in interstate commerce at gross weights exceeding seventy-three thousand two hundred eighty pounds (73,280 lbs.) shall be permitted direct access across any highway in this state to or from the nearest federal interstate highway or the nearest state primary highway.

(B) Vehicles, or combinations thereof, shall be subject to the limits set forth in subsections (a)-(e) and (g) of this section.

(2) Where more than one (1) highway in this state affords access to or from the point of shipment or receipt within this state, the commission may designate the access route to or from the nearest federal interstate highway or state-designated primary highway.

(g)(1)(A) Vehicles, or combinations of vehicles, which vehicles or combinations of vehicles have a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight inches (108") used for hauling compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state shall be permitted an eight-thousand-pounds-per-axle variance above the maximum allowable gross axle weight for single and tandem axles set forth in subsections (a) and (b) and subdivision (c)(1) of this section; provided, no such variance for such vehicles from the formula prescribed in subsection (e) of this section, nor from the axle weight nor overall maximum gross weight shall be allowable on federal interstate highways. Provided, further, no vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has only three (3) axles, shall exceed a maximum overall gross weight of seventy thousand pounds (70,000 lbs.) and no such vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has four (4) or more axles, shall exceed a maximum overall gross weight of eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this state shall be permitted an eight-percent variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. A maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(C) Vehicles, or combinations of vehicles, used exclusively for hauling solid waste, as defined by rules promulgated by the commission, shall be permitted an eight-percent variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. However, the maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(2)(A) Vehicles, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall not be required to meet the tandem axle load limits of subsection (b) of this section if the vehicles, or combinations thereof, do not exceed the allowable gross weight permitted by the formula in subsection (e) of this section, plus any variance, and do not exceed a gross weight of eighty thousand pounds (80,000 lbs.).

(B)(i) No tandem axle on any vehicle, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall exceed thirty-six thousand five hundred pounds (36,500 lbs.) under this subsection.

(ii) No variance on gross weight or axle shall be permitted on federal interstate highways.

(iii) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall be computed only on the basis of the excess weight over and above the maximum weight for which the vehicle qualifies under the formula prescribed in subsection (e) of this section plus an eight-percent variance.

(iv) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of subdivision (g)(1)(A) of this section shall be computed only on the basis of the excess weight over and above seventy thousand pounds (70,000 lbs.), including the variance, for a three-axle vehicle, or combination of vehicles, and only on the basis of the excess weight over and above eighty thousand pounds (80,000 lbs.), including the variance, for a vehicle, or combination of vehicles, with four (4) or more axles.

(h)(1) When any axle, including any enforcement tolerance, is overloaded, but the total weight of all axles, including the steering axle, does not exceed the maximum total weight allowed for all axles, including the steering axle, the operator shall be permitted to unload a portion of the load or to shift the load if this will not overload some other axle, without being charged with violating this section and without being required to pay the penalties provided by law.

(2) The maximum axle load provided for in this section is subject to reduction as provided in §§ 27-35-101 — 27-35-103.

(i)(1) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone and vehicles or combinations of vehicles with five (5) axles hauling unfinished and

unprocessed farm products, forest products, or other products of the soil shall be exempt from the federal bridge formula found in subsection (e) of this section on noninterstate highways in this state.

(2)(A) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone shall comply with a tandem axle limit of thirty-four thousand pounds (34,000 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall comply with a tandem axle limit of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty-five thousand pounds (85,000 lbs.).

(C) Provided, no tandem axle shall exceed thirty-four thousand pounds (34,000 lbs.) while operated on the federal interstate highways of this state.

(3) No vehicle, or combination of vehicles, meeting all of the requirements of this subsection, shall be allowed any variance on overall gross weight or axle weight while operating on the federal interstate highways.

History. Acts 1955, No. 98, § 5; 1963, No. 78, § 3; 1965, No. 17, § 1; 1969, No. 103, § 1; 1971, No. 97, § 1; 1973, No. 419, §§ 1, 2; 1983, No. 7, §§ 3, 4; 1983, No. 580, §§ 1, 2; 1985, No. 415, § 1; A.S.A. 1947, §§ 75-817, 75-817.1; Acts 1987, No. 278, § 1; 1987, No. 379, § 1; 1989, No. 638, § 1; 1991, No. 1031, §§ 1, 2; 1991, No. 1139, §§

1, 4; 1991, No. 1231, §§ 1, 2; 1992 (1st Ex. Sess.), No. 68, §§ 5, 6; 1992 (1st Ex. Sess.), No. 69, §§ 5, 6; 1995, No. 851, §§ 5, 6; 2007, No. 640, §§ 1-4; 2009, No. 493, § 1; 2019, No. 315, § 3135.

Amendments. The 2019 amendment substituted "rules" for "regulations" in the first sentence of (g)(1)(C).

27-35-206. Width of vehicles.

(a)(1) Except as provided in § 27-35-210(p), a vehicle operated upon the highways of this state shall not have a total outside width, unladen or with load, in excess of one hundred two inches (102"), excluding certain safety devices as designated by the state, unless a greater width is authorized by special permit issued by competent authority as provided in § 27-35-210.

(2)(A) Provided, vehicles as defined in § 27-14-104 utilized to transport compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may operate upon all highways of this state, with the exception of federal interstate highways, with widths not exceeding one hundred eight inches (108") without the special permit.

(B) However, the vehicles must be equipped and operated in compliance with the traffic laws of this state as well as all safety rules

and regulations of the United States Department of Transportation and the State Highway Commission.

(C) The vehicles utilized to transport compacted seed cotton with widths exceeding one hundred two inches (102"), but not exceeding one hundred eight inches (108"), shall be equipped and operated with both front and rear bumpers if operated individually, or, if operated in combination with other vehicles, shall be equipped with a front bumper on the vehicle furnishing the motive power and with a rear bumper on the rear vehicle operated in that combination.

(D)(i) The vehicles, when operated individually or in combination with other vehicles on the roads, highways, or streets of this state shall be equipped with a sign or placard on the front and on the rear of the vehicle when operated individually, or on the front of the vehicle furnishing the motive power and on the rear of the vehicle operated in combination with the vehicle furnishing the motive power, when operated in combination, indicating that vehicle or combination of vehicles is slow-moving.

(ii) The signs or placards shall be of such a size, dimension, and color that it is readily apparent to the traveling public that the vehicle or combination is slow-moving and shall be in accordance with rules to be made and promulgated by the commission.

(b) Any person owning such a vehicle or combination of vehicles found operating the vehicle or combination on the highways, roads, or streets of this state without the required bumpers or without the required signs or placards shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than three hundred dollars (\$300) and not more than three thousand dollars (\$3,000).

History. Acts 1955, No. 98, § 2; 1977, No. 559, § 1; 1981, No. 304, § 1; 1983, No. 7, § 1; A.S.A. 1947, § 75-814; Acts 1992 (1st Ex. Sess.), No. 68, § 3; 1992 (1st Ex. Sess.), No. 69, § 3; 2017, No. 650, § 1; 2019, No. 315, § 3136.

Amendments. The 2017 amendment subdivided (a); added "Except as provided

in § 27-35-210(p)" in (a)(1); deleted "Additionally" at the beginning of present (a)(2)(C); deleted "Furthermore" at the beginning of present (a)(D)(i); and made stylistic changes.

The 2019 amendment deleted "and regulations" following "rules" in (a)(2)(D)(ii).

27-35-207. Height of vehicles.

A vehicle operated upon the highways of this state, unladen or with load, shall not exceed a height of fourteen feet (14') unless a greater height is authorized by a special permit issued by competent authority as provided in § 27-35-210.

History. Acts 1955, No. 98, § 3; A.S.A. 1947, § 75-815; Acts 2021, No. 871, § 2.

Amendments. The 2021 amendment

substituted "fourteen feet (14')" for "thirteen feet, six inches (13' 6'"); and made stylistic changes.

27-35-208. Length of vehicles — Definitions.

(a)(1) No single truck operated on the highways of this state, unladen or with load, shall have an overall length in excess of forty feet (40').

(2) Provided, any single truck, unladen or with load, utilized to transport compacted seed cotton from the farm to the first point at which the seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may be operated on the highways of this state with the exception of federal interstate highways with an overall length in excess of forty feet (40') but no more than fifty-five feet (55').

(b) No bus operated on the highways of this state shall have an overall length in excess of forty-five feet (45').

(c)(1)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semitrailer combination or a truck tractor-trailer combination shall have an overall length, unladen or with load, greater than those lengths that were in actual and lawful use in this state on December 1, 1982.

(B) The state shall not establish or enforce any rule which imposes a semitrailer or trailer length limitation of less than fifty-three feet six inches (53' 6") on a semitrailer or trailer unit operating in combination with a truck tractor unit.

(2)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semitrailer-trailer combination shall have an overall length, unladen or with load, in excess of twenty-eight feet (28').

(B) Existing semitrailers or trailers of twenty-eight feet six inches (28' 6") that were in actual and lawful use on December 1, 1982, shall not be prohibited.

(3) The length limitations described in this subsection shall be exclusive of coupling devices, energy conservation devices, and safety devices as provided by federal regulations.

(d)(1) These length limitations shall not apply to:

(A) Vehicles operated in the daytime when transporting poles, pipes, machinery, or other objects of a structural nature which cannot readily be dismembered; or

(B) Vehicles transporting objects operated at nighttime by a public utility or its agents or by electric or telephone cooperatives or their agents when required for emergency repair of public facilities or properties or when operated under special permit as provided by law.

(2) In respect to night transportation, every vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(e)(1)(A) Notwithstanding any other provisions of this subchapter, a combination of vehicles engaged in the transportation of automobiles or other motor vehicles shall be permitted a load extension of four feet

(4') beyond the front and six feet (6') beyond the rear of the combination.

(B) This extension shall not be considered in determining the overall length of the combination of vehicles.

(C) The total length of a motor vehicle authorized under subdivision (e)(1)(A) of this section shall not exceed eighty feet (80').

(2) Clearance lights or reflectors on the transported vehicles shall be used to delineate the extension of the load when applicable.

(f) No motor vehicle shall be operated on the highways, roads, or streets of this state with more than two (2) trailing vehicles.

(g) Subsection (a) of this section does not apply to vehicles collecting garbage, rubbish, refuse, or recyclable materials which are equipped with front-end loading attachments and containers provided that the vehicle is actively engaged in the collection of garbage, rubbish, refuse, or recyclable materials. For the purposes of this subsection, the term "actively engaged" shall mean during the actual process of collecting garbage, rubbish, refuse, or recyclable materials with the front-end loading attachment or attachments in the downward position.

(h)(1) The total length of a towaway trailer transporter combination shall not exceed eighty-two feet (82').

(2) As used in this subsection:

(A) "Towaway trailer transporter combination" means a combination of motor vehicles consisting of a trailer transporter towing unit and two (2) trailers or semitrailers that:

(i) Have a total weight that does not exceed twenty-six thousand pounds (26,000 lbs.); and

(ii) Carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers; and

(B) "Trailer transporter towing unit" means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

History. Acts 1955, No. 98, § 4; 1963, No. 78, §§ 1, 2; 1967, No. 109, § 1; 1973, No. 153, § 1; 1977, No. 431, § 1; 1983, No. 7, § 2; A.S.A. 1947, § 75-816; Acts 1992 (1st Ex. Sess.), No. 68, § 4; 1992 (1st Ex. Sess.), No. 69, § 4; 1993, No. 1021, § 1; 1997, No. 307, § 1; 2001, No. 1483, § 1; 2003, No. 331, § 1; 2003, No. 850, § 1; 2017, No. 619, §§ 3, 4; 2019, No. 315, § 3137.

A.C.R.C. Notes. Acts 2017, No. 619, § 1, provided: "LEGISLATIVE INTENT. It is the intent of the General Assembly to

amend current Arkansas law concerning certain size and weight provisions for commercial motor vehicles in order to align with the requirements of the Fixing America's Surface Transportation Act Pub. L. No. 114-94."

Amendments. The 2017 amendment, in (e)(1)(A), substituted "four feet (4') for "three feet (3') and "six feet (6') for "four feet (4)"; added (e)(1)(C); and added (h).

The 2019 amendment substituted "rule" for "regulation" in (c)(1)(B).

27-35-210. Permits for special cargoes — Definition.

(a)(1)(A) The State Highway Commission, with respect to highways under its jurisdiction, and local authorities, with respect to highways

under their jurisdiction, may, in their discretion and as provided in this section, upon receipt of application made in person, in writing, by telephone, or by any acceptable means of electronic communication, and upon good cause being shown therefor, issue a special permit in writing to applicants desiring to transport cargoes of such nature that the cargo cannot readily be taken apart, separated, dismembered, or otherwise reduced in size or weight.

(B) The permit shall authorize the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this subchapter or otherwise not in conformity with the provisions of this subchapter upon any highway under the jurisdiction of the agency granting the permit and for the maintenance of which the agency is responsible.

(C) No vehicle or combination of vehicles with a multi-unit or otherwise reducible overload may be issued a special permit as provided in this section.

(D) The commission may delegate to other state agencies the authority given in this section to issue special permits.

(2)(A) It is not necessary to obtain a permit for nor shall it be unlawful to move a vehicle or machinery in excess of the maximum width allowed under § 27-35-206 and that is used only for normal farm purposes that require the use of such vehicles or machinery as hay harvesting equipment, plows, tractors, bulldozers, or combines if:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned or leased by a person primarily engaged in farming operations and is being operated by an owner or lessor of the vehicle or machinery or the owner's or lessor's employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of a new or used vehicle or new or used machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the vehicle or machinery from the farm to a shop of a farm machinery equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, movement of the vehicle or machinery under subdivision (a)(2)(A) of this section is allowed if:

(i) The vehicle or machinery is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(ii) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(iii) The vehicle or machinery was permitted to legally operate on that section of U.S. Highway 63 or was permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System.

(C) It shall not be unlawful nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.

(D) Notwithstanding the provisions of subdivision (a)(2)(A) of this section, permits may be issued for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for farming operations to travel upon the state highways in excess of a fifty-mile radius of the point of origin or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for commercial earthmoving operations for travel upon state highways of any distance subject to the following requirements:

(i) The permit shall be issued only to owners or lessors of the vehicles who are primarily engaged in farming or commercial earthmoving operations;

(ii) The permit issued shall be limited to daylight operation for a specified seventy-two-hour period and shall specify the route of travel;

(iii) Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, no part of the movement may be upon any interstate highway or fully controlled access facility unless:

(a) The earthmoving equipment is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(b) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(c) The earthmoving equipment was permitted to legally operate on that section of U.S. Highway 63 or permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System;

(iv) Proof of liability insurance for the tow vehicle shall be submitted to the Arkansas Department of Transportation;

(v) Vehicles shall be accompanied by a front escort vehicle with flashing amber lights, radio contact with the vehicle operator, and "wide load" signs;

(vi)(a) Vehicles may be moved in convoys of no more than three (3) vehicles with escorts at the front and rear of the convoy.

(b) Convoys shall pull off the highway at sufficient intervals to allow traffic to pass;

(vii) A permit may be issued for no more than two (2) dirt pans to be towed by one (1) tractor; and

(viii) Permit fees shall be set by the commission.

(E)(i) It shall not be necessary to obtain a permit, and it shall be lawful to move any motor home or camping trailer in excess of the maximum width prescribed under § 27-35-206 if the excess width is attributable to a noncargo-carrying appurtenance that extends no more than six inches (6") beyond the body of the vehicle.

(ii) As used in this section, "appurtenance" means:

(a) Awnings and awning support hardware; and

(b) Any appendage that is intended to be an integral part of a motor home or camping trailer.

(b)(1)(A) Except as is otherwise provided for by law, no application shall include nor shall any permit be issued for more than a single continuous movement or operation by one (1) vehicle.

(B) An application may include a request for and a permit may be issued for two (2) or more consecutive movements or operations by a vehicle, all of which shall be executed or performed within six (6) consecutive days and which must be limited to two (2) contiguous counties within the state, which counties must be specified at the time of application.

(C)(i) An application may include a request for a permit for consecutive movements or operations of a vehicle with a cargo not exceeding ten feet eight inches (10' 8") in width along one (1) designated route, all of which movements or operations have origins from an adjacent state and which movements or operations shall be executed or performed within the period of valid vehicle registration.

(ii) A permit may be issued at a fee of one thousand dollars (\$1,000) per year.

(iii) The permit shall be limited to one (1) county within the state where the one-way mileage into that county and within the state is no greater than fifteen (15) miles.

(2)(A)(i) Upon application and the payment of an annual fee of one hundred dollars (\$100), the Director of State Highways and Transportation shall issue a special permit for the movement of a crane which exceeds the length as provided in § 27-35-208, and which is moved on pneumatic tires within a radius of thirty-five (35) miles of a point of origin of the movement, for a period of one (1) year from the date of the issuance of the permit.

(ii) Upon an application containing satisfactory proof that the vehicle is utilized solely for the following movements, the director may issue a special permit for a maximum load overhang beyond the front of a vehicle, which load exceeds the maximum provided in § 27-35-106, but not exceeding five feet (5'), for a vehicle equipped with pneumatic tires and utilized exclusively for the movements of cranes for a period of not more than one (1) year.

(B)(i) Upon application and the payment of an annual fee, the director shall issue a special permit for the movement of a vehicle of special design utilized exclusively for the drilling of water wells, or for the movement of auger equipment utilized exclusively for loading agricultural aircraft, which exceeds the length as provided in § 27-35-106 or § 27-35-208 and which is moved on pneumatic tires, for a period of one (1) year from the date of issuance of the permit.

(ii)(a) For annual movements within a radius of thirty-five (35) miles of a point of origin of the movements, the annual fee shall be one hundred dollars (\$100).

(b) For annual movements exceeding the thirty-five-mile radius, the annual fee shall be three hundred dollars (\$300).

(C) The permits authorized by this subsection may contain limitations on the speed of operation and the routes of operation as the director may deem necessary for safety to the traveling public.

(3) The permits authorized by this subsection for the overlength vehicle or vehicles shall not affect the other requirements of this section that special permits be obtained for vehicles exceeding other maximum size and weight limitations imposed by law.

(c) The application for any permit shall specifically describe:

- (1) The vehicle and the load to be operated or moved;
- (2) The origin and destination of the vehicle and load;
- (3) The approximate dates within which the operation or movement is to be completed; and
- (4) The particular highways for which a permit to operate is requested.

(d) Any agency authorized in this section to issue special permits is authorized:

(1) To issue or withhold the permit based upon the following factors:

- (A) The condition and state of repair of the highway involved;
- (B) The ability of the highways to carry the overweight or oversized vehicle;
- (C) The danger to the traveling public from the standpoint of safety; or

(D) Findings of repeated violations of permits issued under this section as established by properly promulgated and adopted agency rules;

(2) To establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated;

(3) To otherwise limit or prescribe conditions of operation of the vehicles when necessary to assure against damage to the road foundation, surfaces, or structures; and

(4) To require a bond or other security as may be deemed necessary by the agency to compensate for any injury to any roadway or road structure arising out of the operation under the permit.

(e)(1) A charge of seventeen dollars (\$17.00) shall be made for each special permit.

(2) In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or combination of vehicles, charges shall be made as follows:

Mileage to Be Traveled is:	On Each Ton, Per Ton or Fraction Thereof
Not more than 100 miles	\$ 8.00
101 miles to 150 miles, inclusive	10.00
151 miles to 200 miles, inclusive	12.00
201 miles to 250 miles, inclusive	14.00
Over 251 miles	16.00

(3) In addition to the fees prescribed in subdivisions (e)(1) and (2) of this section, a fee not to exceed five hundred dollars (\$500) shall be charged for a vehicle, unladen or with load, whose gross weight is one hundred eighty thousand pounds (180,000 lbs.) or greater.

(f)(1) Each permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit.

(2) No person shall violate any of the terms or conditions of the special permit.

(g) It shall be the duty of the respective agencies authorized in this section:

(1) To issue the permits provided for in this section;

(2) To collect the fees therefor at the time of the issuance of the permits, except that any applicant may furnish a corporate surety bond guaranteeing the payment of fees for permits as may be issued during any period of time, in accordance with the rules promulgated by the issuing agency; and

(3) To transmit the fees to the Treasurer of State to be credited to the State Highway and Transportation Department Fund.

(h) No fee shall be charged to any federal, state, county, or municipal governmental agency for any permit issued under the provisions of this section when the vehicle involved is public property and the proposed movement is on official business.

(i)(1) The commission is hereby authorized to issue permits for the movement of any overweight mobile construction vehicle or equipment upon highways under the commission's jurisdiction provided that the vehicle or equipment is equipped with pneumatic tires and has been reduced in size and weight until further reduction is impractical.

(2) A charge of seventeen dollars (\$17.00) shall be made for each special permit. In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or equipment, charges shall be made as follows:

Mileage to Be Traveled is:

	On First 5 Tons, Per Ton or Fraction Thereof	On Next 5 Tons, Per Ton or Frac- tion Thereof	On Any Additional Tonnage, Per Ton or Fraction Thereof
Not more than 100 miles	\$1.25	\$2.50	\$3.75
101 miles to 150 miles, inclusive	2.00	3.50	5.00
151 miles to 200 miles, inclusive	2.50	4.50	6.25
201 miles to 250 miles, inclusive	3.25	5.50	7.50
Over 251 miles	3.75	6.25	8.75

(j)(1) The commission may issue special permits authorizing the transport of round bales of hay on controlled highways under its jurisdiction provided that the load does not exceed ten feet (10') in width.

(2) The special permits shall be issued without a fee or other charge and shall expire three (3) days after the date of issuance.

(k)(1) The commission is authorized to issue special permits at a charge of one hundred dollars (\$100) for a one-year permit for the movement of cross ties from their first point of processing to the point at which they shall undergo creosote processing by five-axle vehicles registered and licensed pursuant to § 27-14-601(a)(3)(G)(ii) where the loaded weight on any tandem axle on the vehicles is greater than the allowable tandem axle limit of thirty-four thousand pounds (34,000 lbs.) provided that the one-way mileage for the trip is no greater than one hundred (100) miles, that no tandem axle weight exceeds thirty-six thousand five hundred pounds (36,500 lbs.), and that no portion of the trip is on any part of the federal interstate highways.

(2) The commission shall issue no more than five (5) special permits to the same person during the same calendar year.

(l) Notwithstanding a provision of law to the contrary and upon application and payment of a permit fee, the commission may issue a special permit per vehicle valid for one (1) single trip to be executed or performed within six (6) consecutive days of the issuance of the permit or for a one-year period along a specified route that authorizes the movement of sealed containerized cargo units upon highways under the commission's jurisdiction subject to the restrictions and conditions deemed appropriate by the commission as contained within this section and the following additional restrictions:

(1) The containerized cargo units must be part of international trade and be moved on the highways due to importation from or exportation to another country;

(2) A copy of the international bill of lading signed by a customs official or an international bill of lading with equipment interchange and inspection report must be submitted to the commission before a single-trip permit may be issued;

(3) For units issued a special permit valid for a one-year period, copies of the international bills of lading for each individual unit signed

by a customs official or international bills of lading with equipment interchange and inspection reports for each individual unit must be submitted every thirty (30) days to the commission;

(4) The operators of the units shall at all times have in their possession a copy of the documents as described in subdivision (1)(2) of this section;

(5) All five-axle vehicles operating under a sealed containerized cargo unit permit shall have a minimum of five (5) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety thousand pounds (90,000 lbs.);

(6) All six-axle vehicles operating under a sealed containerized cargo unit permit shall have a minimum of six (6) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety-five thousand pounds (95,000 lbs.);

(7) A vehicle operating under a sealed containerized cargo unit permit shall not exceed the legal width, length, or height restrictions as set out in this subchapter;

(8) The payment of the charges for each single-trip special permit shall be ascertained in the manner set out in subsection (e) of this section; and

(9) The payment of the charges for each one-year special permit shall not exceed five thousand five hundred dollars (\$5,500).

(m)(1) The commission is authorized to issue special permits to towing businesses for the operation of wreckers or towing vehicles used as emergency vehicles under § 27-36-305(b) when the operation and movement of the vehicle or combination of vehicles exceed the maximum size and weight limitations imposed by law as provided under this subsection.

(2) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee per wrecker or tow vehicle not to exceed five hundred dollars (\$500), the commission, through the director, may issue a special permit valid for one (1) single trip or for a period of one (1) year that authorizes a towing business licensed under § 27-50-1203 to use a wrecker or tow vehicle permitted under this subdivision (m)(2) to move at any time of day or night a vehicle that is disabled or wrecked when that movement:

(A) Results in an oversized, overweight, or both oversized and overweight combination of vehicles; and

(B) Is the initial movement of disabled or wrecked vehicles or combination of vehicles from highways, roads, streets, or highway rights-of-way to:

(i) The nearest point of storage or repair used by the towing or wrecker company;

(ii) The nearest point of storage or repair used by the owner or operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle.

(n) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee not to exceed five hundred

dollars (\$500), the commission may issue a special permit valid for one (1) single trip or for a one-year period that authorizes the movement of a semitrailer or trailer unit, unladen or with load, operating in combination with a truck tractor unit, which exceeds the length as provided in § 27-35-208, but not exceeding fifty-seven feet (57').

(o) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee not to exceed five hundred dollars (\$500), the commission may issue a special permit valid for one (1) single trip or for a one-year period that authorizes the movement on state highways of a truck tractor and single semi-trailer combination with five (5) axles hauling animal feed to livestock or poultry, which exceeds the maximum gross weight as provided in § 27-35-203, with a tandem axle limit of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.), and a total gross weight of eighty-five thousand pounds (85,000 lbs.).

(p)(1) Except as provided in subdivision (a)(2)(A) of this section, the commission may issue a special permit valid for one (1) year authorizing the movement of a vehicle hauling farm machinery equipment that exceeds the maximum width authorized under § 27-35-206, but does not exceed twelve feet (12'), if a farm machinery equipment dealer:

(A) Applies to the commission for the special permit; and

(B) Pays a fee not to exceed five hundred dollars (\$500) per vehicle authorized under this subdivision (p)(1).

(2) A farm machinery equipment dealer is responsible for the safe routing of a vehicle issued a permit under subdivision (p)(1) of this section, including without limitation ensuring the highways traveled by the vehicle are sufficiently wide for the safety of the vehicle and the traveling public.

(3) The commission may require that a farm machinery equipment dealer provide a bond or other security to compensate the Arkansas Department of Transportation in the event of:

(A) Damage to a highway or a highway structure caused by a vehicle issued a permit under subdivision (p)(1) of this section; or

(B) Costs related to the extrication of a vehicle issued a permit under subdivision (p)(1) of this section from a width-restricted highway or a highway construction or maintenance zone.

(4) A vehicle issued a permit under subdivision (p)(1) of this section shall not exceed the height, length, or weight restrictions required under this subchapter.

(q)(1) The commission may issue a special permit valid for one (1) year authorizing the movement of a truck tractor and semi-trailer combination, or a truck tractor and semi-trailer-trailer combination, with a minimum of five (5) axles hauling agronomic or horticultural crops in their natural state that exceed the maximum gross weight as provided in § 27-35-203 but do not exceed a total gross weight of one hundred thousand pounds (100,000 lbs.).

(2) A truck tractor and semi-trailer combination, or a truck tractor and semi-trailer-trailer combination, issued a permit under subdivision

(q)(1) of this section shall not exceed the height, length, or width restrictions required under this chapter.

(3) The Arkansas Department of Transportation in coordination with the Department of Agriculture shall promulgate rules necessary to implement this subsection, including without limitation the criteria required to qualify for the issuance of a special permit.

(r)(1) Upon application, the commission may issue a special permit valid for one (1) year for the movement of a truck tractor and single semitrailer combination with five (5) axles for the hauling of forestry equipment in excess of the maximum gross weight as provided in § 27-35-203 but not more than:

(A) Twenty thousand pounds (20,000 lbs.) for a single axle, or forty-six thousand pounds (46,000 lbs.) for a tandem axle; and

(B) One hundred four thousand pounds (104,000 lbs.) of total gross weight.

(2) The fee for the special permit shall not exceed two hundred fifty dollars (\$250).

(3) The Arkansas Department of Transportation shall adopt rules necessary to implement this subsection, including without limitation the criteria required to qualify for the issuance of a special permit.

History. Acts 1955, No. 98, § 6; 1955, No. 192, § 1; 1965, No. 436, § 1; 1965 (1st Ex. Sess.), No. 45, § 1; 1971, No. 32, § 1; 1977, No. 457, § 1; 1981, No. 807, § 1; 1985, No. 337, § 1; A.S.A. 1947, § 75-818; Acts 1991, No. 219, § 5; 1991, No. 704, § 1; 1995, No. 873, § 1; 1997, No. 136, § 1; 1997, No. 1026, § 2; 1997, No. 1156, § 1; 1999, No. 1511, § 1; 1999, No. 1571, § 1; 2005, No. 276, § 1; 2005, No. 1412, § 1; 2007, No. 241, § 1; 2007, No. 639, §§ 1-4; 2009, No. 406, § 2; 2009, No. 567, § 1; 2009, No. 1396, § 1; 2013, No. 1092, § 1; 2013, No. 1267, § 1; 2013, No. 1362, §§ 2, 3; 2015, No. 740, § 1; 2015 (1st Ex. Sess.), No. 11, § 1; 2015 (1st Ex. Sess.), No. 12, § 1; 2017, No. 650, § 2; 2017, No. 707, § 329; 2017, No. 1085, § 1; 2019, No. 315, § 3138; 2019, No. 859, § 1; 2021, No. 451, § 1.

A.C.R.C. Notes. The 2015 Amendment by No. 740 in present (l)(7) changed "All

vehicles" to a "A vehicle" and "must" to "shall" without benefit of mark-up.

Acts 2021, No. 451, § 2, provided: "The Arkansas Department of Transportation shall adopt the rules required by § 27-35-210(r)(3) within one (1) year of the effective date of this act [July 28, 2021]."

Amendments. The 2017 amendment by No. 650 added (p).

The 2017 amendment by No. 707 substituted "Department of Transportation" for "State Highway and Transportation Department" in (a)(2)(D)(iv).

The 2017 amendment by No. 1085 added (q).

The 2019 amendment by No. 315 deleted "and regulations" following "rules" in (g)(2).

The 2019 amendment by No. 859 inserted "or a truck tractor and semi-trailer-trailer combination" in (q)(1) and (q)(2).

The 2021 amendment added (r).

27-35-211. Disposition of fees and penalties.

All fees and penalties collected under the provisions of §§ 27-35-202 and 27-35-210 shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that section for deposit into the State Highway and Transportation Department Fund.

History. Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834; Acts 2005, No. 1934, § 22; 2015, No. 594, § 1.

SUBCHAPTER 3 — MANUFACTURED HOMES AND HOUSES

SECTION.

27-35-301. Definitions.

27-35-303. Rules.

27-35-304. Special permit to move — Fee.

27-35-305. Issuance of permits.

27-35-306. Times and places for moving
overwidth or overlength
manufactured homes.

SECTION.

27-35-307. Payment of fees on monthly
basis.

27-35-308. Disposition of fees.

27-35-309. Transportation of houses and
other structures.

27-35-301. Definitions.

As used in this subchapter:

(1) [Repealed.]

(2) “Insurance” means a policy of liability insurance, the limits of which are one hundred thousand dollars (\$100,000) for the first bodily injury or death, three hundred thousand dollars (\$300,000) for bodily injury or death for each accident, and one hundred thousand dollars (\$100,000) for property damage resulting from the accident;

(3) “Manufactured home unit” means a structure constructed for use as a dwelling, office, or classroom which is more than eight feet (8') in width or sixty feet (60') in length and is capable of being moved upon the highways when combined with a pulling vehicle;

(4) “Overlength” means any manufactured home unit in excess of sixty feet (60') in length;

(5) “Overwidth” means any manufactured home unit in excess of eight feet (8') in width;

(6) “Special permit” means a written permission to move manufactured home units interstate and intrastate on the highways of this state;

(7) “Structures” means a building, either portable or permanent, other than a manufactured home unit, which cannot be disassembled or reduced in size without substantial damage to the structure, and:

(A) Where any person lives or carries on a business or other calling;

(B) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(C) Which is customarily used for overnight accommodation of persons, whether or not a person is actually present. Each unit of a structure divided into separately occupied units is itself a structure;

(8) “Traveled way” means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes; and

(9) “Width” means the largest overall width of a manufactured home in the traveling mode, including bay windows, roof projections, overhangs, or eaves under which there is no interior space.

History. Acts 1971, No. 264, § 1; 1985, No. 153, § 1; A.S.A. 1947, § 75-828; Acts 1999, No. 780, §§ 1, 2; 2001, No. 990, § 1; 2017, No. 707, § 330.

Amendments. The 2017 amendment repealed (1).

27-35-303. Rules.

The Arkansas Department of Transportation shall promulgate rules covering the application for, and issuance of, special permits for the safe movement of manufactured home units in accordance with the provisions of this subchapter.

History. Acts 1971, No. 264, § 8; 1985, No. 153, § 6; A.S.A. 1947, § 75-835; Acts 2017, No. 707, § 331; 2019, No. 315, § 3139.

Amendments. The 2017 amendment substituted "Department of Transporta-

tion" for "State Highway and Transportation Department".

The 2019 amendment deleted "and regulations" following "rules" in the section heading and in the text.

27-35-304. Special permit to move — Fee.

(a)(1) Manufactured home units may be lawfully moved interstate and intrastate on the highways, roads, and streets of this state by procuring a special permit issued by the Arkansas Department of Transportation.

(2) A permit shall be required for each single continuous movement of each manufactured home unit.

(3) Manufactured home units in excess of sixteen feet six inches (16' 6") in width may be moved upon the public highways of this state by obtaining an emergency permit approved by the department. Factors to be considered in approval of the emergency permit shall include, but not be limited to:

- (A) Maximum overall width;
- (B) Distance to travel;
- (C) Condition of the highway; and
- (D) The volume and type of traffic.

(4) No special permit shall be issued for any manufactured home unit exceeding eighteen feet (18') in width.

(b)(1) The rules of the State Highway Commission, with respect to the movement of manufactured homes upon the highways of this state shall be equally applicable to the movement of manufactured homes upon city streets and county roads in this state.

(2) No municipality or county shall require local permits, bonds, fees, or licenses for the interstate or intrastate movement of manufactured homes permitted by the department.

(c)(1) Special permits required under this subchapter may be obtained from any department weigh station or from the central offices of the department, and the department shall charge a fee of seventeen dollars (\$17.00) for the permit, provided that the manufactured home unit to be moved does not exceed sixteen feet six inches (16' 6") in width.

(2) The department shall charge a fee of no more than one hundred fifty dollars (\$150) if the manufactured home to be moved is greater than sixteen feet six inches (16' 6") in width but does not exceed eighteen feet (18') in width.

History. Acts 1971, No. 264, § 3; 1985, No. 153, § 3; A.S.A. 1947, § 75-830; Acts 1993, No. 1113, § 1; 1999, No. 780, § 4; 2007, No. 639, § 5; 2017, No. 707, § 332; 2019, No. 315, § 3140.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department" in (a)(1).

The 2019 amendment deleted "and regulations" following "rules" in (b)(1).

27-35-305. Issuance of permits.

(a) Special permits shall be issued to any licensed carrier, dealer, or manufacturer who files with the Arkansas Department of Transportation evidence of acceptable insurance coverage.

(b)(1) Persons moving their personal manufactured home units not over twelve feet (12') wide, exclusive of clearance lights, registered to such persons, and not for the purpose of sale, with a truck of not less than one-ton factory rated capacity, equipped with such devices and safety equipment and in compliance with safety regulations as required by the Interstate Commerce Commission as the pulling vehicle, when the driver of a pulling vehicle is experienced in such driving, shall be entitled to a special permit upon a showing of evidence that they have insurance acceptable to the department for, and title to, the manufactured home unit.

(2) The person applying for the permit will be allowed to move his or her manufactured home unit to the first point where a permit may be secured.

History. Acts 1971, No. 264, § 4; 1985, No. 153, § 4; A.S.A. 1947, § 75-831; Acts 2017, No. 707, § 333.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department" in (a).

27-35-306. Times and places for moving overwidth or overlength manufactured homes.

(a) Overwidth or overlength manufactured home units shall be moved on those highways, roads, and streets and at times and under conditions as may be designated by the Arkansas Department of Transportation.

(b) The department shall not issue any permits for the movement of a manufactured home unit over any highway, road, or street, which movement, in the opinion of the department, would endanger the traveling public or would potentially damage any structures or signs on or adjacent to any highway, road, or street.

(c) To the extent that the application of this section to highways which are a part of the national system of interstate and defense highways, as referred to in 23 U.S.C. § 103(d) [repealed], would cause

the State of Arkansas to be deprived of any federal funds for highway purposes, then this subchapter, to such extent, shall not be applicable to highways which are a part of the national system of interstate and defense highways.

(d) The designated routes, times, and speeds for the movement shall be clearly shown in the permit.

(e) The acceptance of a permit by an applicant will be considered a clear commitment for compliance with all of the provisions of this subchapter and for compliance with the safety regulations prescribed by the department for such movement.

(f)(1) Overwidth or overlength manufactured home units ten feet (10') or less in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, the units shall not be moved on Saturday afternoons, if it is determined by the department that the movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(2) Overwidth or overlength manufactured home units ten feet (10') or more in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, the units shall not be moved on Saturdays, if it is determined by the department that the movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(g)(1) On any controlled-access, divided highway with four (4) or more lanes, any manufactured home in excess of fourteen feet nine inches (14' 9") in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel behind the manufactured home.

(2)(A) On all other highways, the movement of manufactured homes in excess of twelve feet (12') in width through fourteen feet nine inches (14' 9") in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel in front of the manufactured home.

(B) The movement of manufactured homes in excess of fourteen feet nine inches (14' 9") in width shall be accompanied by two (2) escort vehicles. One (1) escort vehicle shall travel in front of the manufactured home, and one (1) escort vehicle shall travel behind the manufactured home.

History. Acts 1971, No. 264, § 5; 1985, No. 153, § 5; A.S.A. 1947, § 75-832; Acts 1989 (3rd Ex. Sess.), No. 35, § 1; 1993, No. 1113, § 2; 1999, No. 780, § 5; 2015, No. 571, § 1; 2017, No. 707, § 334.

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transportation Department" in (a).

27-35-307. Payment of fees on monthly basis.

(a) Persons posting a surety bond with the Arkansas Department of Transportation in the amount of one thousand dollars (\$1,000), payable on default to the State of Arkansas, shall be allowed to pay the fees accruing for permits on a monthly basis.

(b) Should the person fail to pay any sum owing to the department within thirty (30) days after due, the department may execute on the bond.

History. Acts 1971, No. 264, § 6; A.S.A. 1947, § 75-833; Acts 2017, No. 707, § 335.

substituted "Department of Transportation" for "State Highway and Transportation Department" in (a).

Amendments. The 2017 amendment

27-35-308. Disposition of fees.

(a) All fees collected under the provisions of this subchapter shall forthwith be deposited into the State Treasury as special revenues.

(b) The net amount shall be credited to the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas Department of Transportation.

History. Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834; Acts 2017, No. 707, § 336.

substituted "Department of Transportation" for "State Highway and Transportation Department" in (b).

Amendments. The 2017 amendment added the (a) and (b) designations; and

27-35-309. Transportation of houses and other structures.

(a) Qualified house or structural movers in this state who have met the financial responsibility requirements of the laws of this state and rules of the Arkansas Department of Transportation shall be authorized to move upon the public highways of this state houses and other structures up to and including twenty-eight feet six inches (28' 6") in width, exclusive of roof overhang, upon obtaining a permit as required by law.

(b)(1) If determined to be in the best interest of the state and where special circumstances are shown to exist, houses and other structures having a width in excess of twenty-eight feet six inches (28' 6"), excluding roof overhang, may be moved upon the public highways of this state by obtaining a permit approved by the Director of State Highways and Transportation.

(2) Factors to be considered in approval of the special permit shall include:

(A) Maximum overall width;

- (B) Distance to travel;
- (C) Condition of the highway; and
- (D) The volume or type of traffic.

(c)(1) The State Highway Commission may issue such special rules for the movement of houses and other structures on the highways as the commission deems necessary for the protection of the public safety.

(2)(A) The rules of the commission, with respect to the movement of overwidth, overheight, or overlength loads upon the highways of this state shall be equally applicable to the movement of houses and other structures upon city streets and county roads of this state.

(B) Municipalities and counties, respectively, may make and enforce other rules and regulations regarding the movement of houses and other structures on city streets and on county roads as they deem appropriate.

(d) The provisions of this section are supplemental to the existing laws of this state pertaining to the moving of houses and other structures upon the public highways of this state and shall repeal only laws, or parts of laws, specifically in conflict with this section.

History. Acts 1965, No. 394, §§ 1, 2; 1975, No. 399, §§ 1, 2; A.S.A. 1947, §§ 75-836, 75-836n, 76-135, 76-136; Acts 2001, No. 990, § 2; 2017, No. 707, § 337; 2019, No. 315, §§ 3141, 3142.

Amendments. The 2017 amendment substituted “Department of Transporta-

tion” for “State Highway and Transportation Department” in (a).

The 2019 amendment substituted “rules” for “regulations” in (a) and (c)(1); and deleted “and regulations” following “rules” in (c)(2)(A).

CHAPTER 36

LIGHTING REGULATIONS

SUBCHAPTER.

- 2. LIGHTING REQUIREMENTS GENERALLY.
- 3. LIGHTS FOR EMERGENCY VEHICLES.

SUBCHAPTER 1 — GENERAL PROVISIONS

27-36-101. Violations.

CASE NOTES

Probable Cause.

Because the law requires two working headlights, there was probable cause for the traffic stop, and the fact that the officer’s report was wrong about which headlight was defective went to the

weight of the evidence; thus, the trial court’s denial of defendant’s motion to suppress was not clearly against the preponderance of the evidence. *Duff v. State*, 2018 Ark. App. 112, 540 S.W.3d 738 (2018).

SUBCHAPTER 2 — LIGHTING REQUIREMENTS GENERALLY

SECTION.

27-36-201 — 27-36-203. [Repealed.]
 27-36-208. Special restrictions on lamps.
 27-36-212. [Repealed.]

SECTION.

27-36-219. Lamps on farm tractors and equipment.

27-36-201 — 27-36-203. [Repealed.]

Publisher's Notes. These sections, concerning regulation of lighting devices, revocation of certificate of approval on lighting devices, and the sale or use of lamps and other devices, were repealed by Acts 2017, No. 448, § 32. The sections were derived from the following sources:

27-36-201. Acts 1937, No. 300, § 122;

Pope's Dig., § 6782; Acts 1955, No. 158, § 4; A.S.A. 1947, § 75-720.

27-36-202. Acts 1937, No. 300, § 123; Pope's Dig., § 6783; A.S.A. 1947, § 75-721.

27-36-203. Acts 1937, No. 300, § 121; Pope's Dig., § 6781; Acts 1955, No. 158, § 3; A.S.A. 1947, § 75-719.

27-36-207. Number of driving lamps required or permitted.

CASE NOTES

Probable Cause.

Because the law requires two working headlights, there was probable cause for the traffic stop, and the fact that the officer's report was wrong about which headlight was defective went to the

weight of the evidence; thus, the trial court's denial of defendant's motion to suppress was not clearly against the preponderance of the evidence. *Duff v. State*, 2018 Ark. App. 112, 540 S.W.3d 738 (2018).

27-36-208. Special restrictions on lamps.

(a) Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower (300 cp) shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet (75') from the vehicle.

(b)(1) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red, blue, or green light visible from directly in front of the center thereof.

(2) This subsection shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this subchapter.

(c) Flashing lights are prohibited except on:

- (1) An authorized emergency vehicle;
- (2) A school bus;
- (3) A funeral procession as provided in § 27-49-113;
- (4) Any vehicle as a means of indicating a right or left turn; or

(5) Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

History. Acts 1937, No. 300, § 120; Pope's Dig., § 6780; Acts 1959, No. 307, § 50; A.S.A. 1947, § 75-718; Acts 2003, No. 539, § 1; 2017, No. 816, § 1.

Amendments. The 2017 amendment inserted (c)(3); redesignated part of former (c) as (c)(1), (c)(2), (c)(4), and (c)(5); and made stylistic changes.

27-36-212. [Repealed.]

Publisher's Notes. This section, concerning single-beam road lighting equipment, was repealed by Acts 2017, No. 448,

§ 33. The section was derived from Acts 1937, No. 300, § 117; Pope's Dig., § 6777; A.S.A. 1947, § 75-715.

27-36-219. Lamps on farm tractors and equipment.

(a)(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of that vehicle.

(2) They shall also be equipped with at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the vehicle.

(b) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, in addition to the lamps required in subsection (a) of this section, be equipped with two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of headlamps.

(c) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with the following lamps:

(1) At least one (1) lamp mounted to indicate, as nearly as practicable, the extreme left projection of the combination and displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of the combination; and

(2) Two (2) lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the combination or, as an alternative, at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when illuminated by the upper beams of headlamps.

(d)(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be

equipped with two (2) single-beam or multiple-beam headlamps meeting the requirements of § 27-36-210 and at least one (1) red lamp visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(2) Every self-propelled unit of farm equipment, other than a farm tractor, shall have two (2) red lamps or, as an alternative, one (1) red lamp and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') when directly in front of lawful upper beams of headlamps.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in § 27-36-204 be equipped with lamps as follows:

(1) The farm tractor element of every such combination shall be equipped as required in subsection (d) of this section;

(2) The towed unit of farm equipment or implement of husbandry element of the combination shall be equipped with two (2) red lamps visible when lighted from a distance of not less than five hundred feet (500') to the rear or, as an alternative, two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of headlamps; and

(3) These combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(f)(1) The lamps and reflectors required in this section shall be so positioned as to show from front and rear, as nearly as practicable, the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle.

(2) If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two (2) or more lamps or reflectors visible from the front or two (2) or more lamps or reflectors visible from the rear, the lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of the vehicle shall be indicated as nearly as practicable.

(g)(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in §§ 27-36-102 and 27-37-102 not specifically required by the provisions of this subchapter to be equipped with lamps or other lighting devices, shall, at all times specified in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than five hundred feet (500') to the front of the vehicle.

(2) Those vehicles shall also be equipped with two (2) lamps displaying a red light visible from a distance of not less than five hundred feet (500') to the rear of the vehicle or, as an alternative, one (1) lamp displaying a red light visible from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors, visible for distances of one hundred feet (100') to six hundred feet (600') to the rear when illuminated by the upper beams of headlamps.

History. Acts 1937, No. 300, § 111; Pope's Dig., § 6771; Acts 1959, No. 307, § 45; A.S.A. 1947, § 75-709; Acts 2019, No. 394, § 6.

Amendments. The 2019 amendment deleted "or § 27-36-212" following "§ 27-36-210" in (d)(1).

SUBCHAPTER 3 — LIGHTS FOR EMERGENCY VEHICLES

SECTION.

27-36-306. Other nonemergency vehicles
— Funeral processions.

27-36-306. Other nonemergency vehicles — Funeral processions.

(a)(1) A funeral escort vehicle engaged in leading or escorting a funeral procession shall be equipped with flashing, rotating, or oscillating purple lights.

(2) Except as required by subdivision (a)(1) of this section, a motor vehicle that is a part of a funeral procession may be equipped with flashing, rotating, or oscillating purple lights.

(3) The flashing, rotating, or oscillating purple lights allowed under subdivisions (a)(1) and (2) of this section shall not be activated except during a funeral procession.

(b) The flashing, rotating, or oscillating purple lights shall be a warning to other motorists of the approach of the funeral procession.

History. Acts 2001, No. 322, § 1; 2017, No. 816, § 2.

Amendments. The 2017 amendment rewrote (a); and substituted "The flashing,

rotating, or oscillating purple" for "The purple flashing, rotating, or oscillating" in (b).

CHAPTER 37

EQUIPMENT REGULATIONS

SUBCHAPTER.

2. SAFETY AND EMERGENCY EQUIPMENT.
3. GLASS AND MIRRORS.
7. MANDATORY SEAT BELT USE.

SUBCHAPTER 2 — SAFETY AND EMERGENCY EQUIPMENT

SECTION.

27-37-201. [Repealed.]

27-37-202. Horns and warning devices —
Flashing lights on emergency vehicles.

SECTION.

27-37-203. Vehicles transporting explosives.

27-37-201. [Repealed.]

Publisher's Notes. This section, prohibiting the sale of substandard seat belts, was repealed by Acts 2017, No. 448, § 34.

The section was derived from Acts 1963, No. 115, §§ 1, 2; A.S.A. 1947, §§ 75-733, 75-734.

27-37-202. Horns and warning devices — Flashing lights on emergency vehicles.

(a)(1)(A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200').

(B) No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

(2) When reasonably necessary to ensure safe operation, the driver of a motor vehicle shall give audible warning with his or her horn but shall not otherwise use the horn when upon a public street or highway.

(b)(1) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(2) It is permissible, but not required, that commercial vehicles may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(3)(A) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved by the Arkansas Department of Transportation.

(B)(i) Except as provided under § 27-51-906, the driver of an emergency vehicle shall sound a warning device:

(a) When necessary to warn pedestrians and other drivers that the emergency vehicle is approaching; and

(b) While the emergency vehicle is being operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(ii) The warning device shall not be used by the driver of an emergency vehicle except when the emergency vehicle is being operated as required under subdivision (b)(3)(B)(i) of this section.

(c)(1) Every authorized emergency vehicle shall be equipped with signal lamps in addition to any other equipment and distinctive markings required by this subchapter. These lamps shall be mounted as high and be as widely spaced laterally as practicable. The vehicle shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level.

(2) These lights shall have sufficient intensity to be visible at five hundred feet (500') in normal sunlight.

(d) A police vehicle, when used as an authorized emergency vehicle, may, but need not, be equipped with alternately flashing red lights specified in this section.

(e) The use of the signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and to stop as prescribed in § 27-51-901.

History. Acts 1937, No. 300, § 125; Pope's Dig., § 6785; Acts 1959, No. 307, § 47; A.S.A. 1947, § 75-725; Acts 2003, No. 1155, § 1; 2017, No. 707, § 338; 2017, No. 793, § 1.

Amendments. The 2017 amendment

by No. 707 substituted "Department of Transportation" for "State Highway and Transportation Department" in (b)(3)(A).

The 2017 amendment by No. 793 rewrote (b)(3)(B).

27-37-203. Vehicles transporting explosives.

(a) Any person operating any vehicle transporting any explosive or other dangerous articles as cargo upon a highway shall at all times comply with the requirements of the rules promulgated under this section.

(b) The State Highway Commission is authorized and directed to promulgate rules governing the transportation of explosives and other dangerous articles in vehicles upon the highways as it deems advisable for the protection of the public.

History. Acts 1937, No. 300, § 132; Pope's Dig., § 6792; A.S.A. 1947, § 75-723; Acts 2003, No. 849, § 1; 2019, No. 315, § 3143.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (a) and (b).

SUBCHAPTER 3 — GLASS AND MIRRORS

SECTION.

27-37-301. [Repealed.]

27-37-301. [Repealed.]

Publisher's Notes. This section, concerning mandatory safety glass, was repealed by Acts 2017, No. 448, § 35. The

section was derived from Acts 1937, No. 300, § 130; Pope's Dig., § 6790; Acts 1951, No. 110, § 1; A.S.A. 1947, § 75-732.

SUBCHAPTER 7 — MANDATORY SEAT BELT USE

SECTION.

27-37-701. Definitions.

27-37-705. [Repealed.]

SECTION.

27-37-706. Penalties — Court costs.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

27-37-701. Definitions.

As used in this subchapter:

(1) "Motor vehicle" means any motor vehicle, except a school bus, church bus, and other public conveyance, which is required by federal law or regulation to be equipped with a passenger restraint system; and

(2) "Seat belt" means any passenger restraint system as defined by the Division of Arkansas State Police, except that, until such time as the division has promulgated rules defining "seat belt", the term means any passenger restraint system which meets the federal requirements contained in 49 C.F.R. § 571.208.

History. Acts 1991, No. 562, § 1; 2019, No. 315, § 3144; 2019, No. 910, § 6048.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (2).

The 2019 amendment by No. 910, in (2), substituted "Division of Arkansas State Police" for "Department of Arkansas State Police" and "division" for "department".

27-37-702. Seat belt use required — Applicability of subchapter.

A.C.R.C. Notes. Acts 1997, No. 208, § 1, as reenacted by Acts 2017, No. 255, § 1, provided: "Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, and ambiguous or are inconsistent

with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code of 1987 Annotated."

RESEARCH REFERENCES

Ark. L. Rev. Spencer G. Dougherty, Unbuckling the Seat Belt Defense in Arkansas, 73 Ark. L. Rev. 135 (2020).

27-37-703. Effect of noncompliance.**RESEARCH REFERENCES**

Ark. L. Rev. Dorothy Vaughan Goodwin, Recent Developments: Section 27-37-703 of the Arkansas Code Violates Separation of Powers Under the Arkansas Constitution, *Mendoza v. WIS Int'l, Inc.*, 69 Ark. L. Rev. 639 (2016).

Spencer G. Dougherty, Unbuckling the Seat Belt Defense in Arkansas, 73 Ark. L. Rev. 135 (2020).

CASE NOTES**Constitutionality.**

This section is procedural and therefore offends the principle of separation of powers and the powers specifically prescribed to the Supreme Court of Arkansas by Ark. Const. Amend. 80. Accordingly, in re-

sponse to a certified question from the federal district court, the Supreme Court holds that this section violates separation of powers under Ark. Const., Art. 4, § 2, and Ark. Const. Amend. 80, § 3, and is therefore unconstitutional. *Mendoza v.*

WIS Int'l, Inc., 2016 Ark. 157, 490 S.W.3d 298 (2016).

27-37-705. [Repealed.]

Publisher's Notes. This section, concerning the reduction of fine as an incentive to comply with seat belt law, was repealed by Acts 2015, No. 953, § 1. The

section was derived from Acts 1991, No. 562, § 8; 1995, No. 1118, § 2; 2003, No. 1765, § 36; 2009, No. 633, § 22.

27-37-706. Penalties — Court costs.

(a)(1) A person who violates this subchapter shall be subject to a fine not to exceed twenty-five dollars (\$25.00), unless a local fine under § 16-17-129 has also been provided for by law.

(2) However, the total amount of the fines levied under this section and § 16-17-129 shall not exceed forty-five dollars (\$45.00).

(3) A person who chooses to pay the fine under this section and § 16-17-129, if applicable, before his or her first appearance under this subsection, is considered to have pleaded nolo contendere to the violation.

(b) A person who does not plead nolo contendere to a violation of this subchapter by paying the fine under this section and § 16-17-129, if applicable, before his or her first appearance but who, after his or her first appearance, is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, is responsible for court costs under § 16-10-305, but is not subject to additional costs or fees.

History. Acts 1991, No. 562, § 7; 2005, No. 1934, § 23; 2013, No. 282, § 16; 2019, No. 743, § 2; 2021, No. 784, § 2.

Amendments. The 2019 amendment rewrote the section.

The 2021 amendment inserted (a)(2); redesignated former (a)(2) as (a)(3); and substituted "to have" for "having" in (a)(3).

CHAPTER 38

AUTOMOTIVE FLUIDS REGULATION

SUBCHAPTER.

2. BRAKE FLUID. [REPEALED.]

SUBCHAPTER 2 — BRAKE FLUID

SECTION.

27-38-201 — 27-38-204. [Repealed.]

27-38-201 — 27-38-204. [Repealed.]

Publisher's Notes. This subchapter, concerning brake fluid, was repealed by Acts 2017, No. 448, § 36. The subchapter was derived from the following sources:

27-38-201. Acts 1957, No. 116, § 3; A.S.A. 1947, § 75-1308.

27-38-202. Acts 1957, No. 116, § 1; A.S.A. 1947, § 75-1306.

27-38-203. Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.

27-38-204. Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.



